ACTS

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OF THE

SEVENTY-SEVENTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

NINTH UNDER THE NEW CONSTITUTION.



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1853.

ACTS

OF THE

SEVENTY-SEVENTH LEGISLATURE

OF THE

STATE OF NEW JERSEY.

CHAPTER I.

AN ACT to amend an act approved the twenty-fifth day of March, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water."

Proceedings in case owners of land cannot be found.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the owners, or any of the owners of any lands, or water rights, which may be required for the purposes of the act to which this is an amendment, are unknown, or cannot be found, the circuit court of the county of Hudson may direct the manner in which notice of application for the appointment of commissioners to estimate the value of such property, or damage thereto, and of the meeting of such commissioners may be given, or published; and when notices are given, or published in the manner so directed, they shall have the same force and effect as if served upon the owners of such lands, or water rights; and in all cases where the title, or interest of any person or persons in lands required and taken for the purposes of this act is doubtful, or disputed, the value of or damage to such lands, awarded

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by the commissioners appointed by said circuit court, may be paid into said court upon affidavit made of such facts, and such payment shall have the same effect as if made to the owners thereof; and the said court may proceed in a summary way, upon petition of any person claiming to be the owner of said lands, or any part thereof, to ascertain to whom the title belonged, and to what person or persons the said money shall be paid, and shall have power to distribute the same among the persons entitled thereto.

Part of 11th section of former act amended.

2. *And be it enacted*, That the eleventh section of the said act shall be amended by striking out the following words, "and provided, also, that no notes, or scrip, or certificates of debt, shall be sold at public or private sale, for less than the par value thereof."

Twenty-third section of former act amended.

3. *And be it enacted*, That the twenty-third section of the said act be amended by striking out the words, "in the county of Hudson," and also the words, "in the said county," contained in the said section.

4. *And be it enacted*, That this act shall take effect immediately.

WILLIAM C. ALEXANDER,
President of the Senate.

JOHN W. FENNIMORE,
Speaker of the House of Assembly.

Approved January 18, 1853.

GEO. F. FORT.

CHAPTER II.

AN ACT relative to the Court of Pardons.

Meetings of the court of pardons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of this state, in

whom the power to remit fines and forfeitures, and to grant pardons, is vested by the constitution, shall meet statedly at Trenton, on the third day of each regular term of the court of errors and appeals, and at such other times and places as the governor, or person administering the government may direct; and when convened, shall be called the court of pardons, and shall keep a record of their votes and proceedings, to which all persons shall have access, or copies thereof, upon paying such fees as are now required for like services in the office of the secretary of state.

Compensation of members.

2. *And be it enacted*, That the secretary of state shall be ex-officio clerk of said court; and that said clerk and each member of said court shall receive three dollars for each days' actual attendance upon said court; and when convened specially, the same mileage as is allowed to members of the legislature.

Sentence of death may be commuted.

3. *And be it enacted*, That the court of pardons may, upon application for the pardon of any person under sentence of death, direct that the sentence of death be commuted to imprisonment at hard labor, for life or a term of years; and the sheriff or other officer in whose custody such person may be, shall, upon receiving such order or direction, signed by the governor or person administering the government, and attested by the clerk of said court, refrain from executing such sentence of death, and shall within ten days after the receipt thereof, convey such convict to the state prison, and deliver him with such order to the keeper of the prison, who shall detain him for the term for which such sentence was commuted; and such term of imprisonment shall not be remitted or commuted.

Costs of conviction, &c.

4. *And be it enacted*, That the costs on conviction, and the costs and fees of transporting such convict to the state prison shall be certified, paid and recovered, in the same manner as if said convict had been originally sentenced to such imprisonment.

Concurrence of majority of members necessary.

5. *And be it enacted*, That the concurrence of a majority of the members of the court of pardons, of which majority the governor, or person administering the government shall be one, shall be necessary to all acts of said court.

6. *And be it enacted*, That this act shall take effect immediately.

Approved January 18, 1853.

CHAPTER III.

A further supplement to an act entitled "An act to incorporate the Sussex Zinc and Copper Mining and Manufacturing Company," approved February the twenty-third, eighteen hundred and forty-eight.

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Sussex Zinc and Copper Mining and Manufacturing Company" be, and the same is hereby changed to that of "The New Jersey Franklinite Company," and that said company be, and is hereby authorized to increase its capital stock to twelve hundred thousand dollars, to be divided into shares of twelve dollars and fifty cents each, and that the directors of said company may be increased to nine, a majority of whom shall be residents of this state.

Approved January 26, 1853.

CHAPTER IV.

A further supplement to the act entitled "An act to incorporate the Bordentown Water Company," approved March first, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the state of New Jersey*, That the capital stock of said company shall consist of two thousand shares, of twenty dollars each, with the privilege of increasing it to four thousand shares, and whenever one thousand shares thereof shall be subscribed, each stockholder paying at the time of subscribing, one dollar for each and every share, the commissioners named in the act to which this is a supplement, or a majority of them, shall call a meeting of the stockholders in the manner and for the purposes prescribed in the second section of the act to which this is a supplement. Amount of capital stock.

2. *And be it enacted*, That all elections of directors of said company shall be held by ballot by their stockholders or their proxies, allowing one vote for each share which they shall have held in his, her or their name or names, at least fourteen days before the time of voting. Election of directors.

3. *And be it enacted*, That the persons named in the first section of the act to which this is a supplement, as commissioners to procure subscriptions for the stock of said company, or a majority of them, shall and may open books for that purpose at Bordentown, at any time after the passage of this supplement, having given ten days' notice thereof in five of the most public places of said town, and in a newspaper published therein, and in the same manner as if the said books had never been opened. Commissioners to receive subscriptions.

4. *And be it enacted*, That the said company shall be empowered to lay down their pipes and to erect fire plugs and hydrants in the streets, alleys and lanes of the borough of Bordentown, and do all things necessary to furnish the said borough and the dwellings, stores and other places situated therein, with water; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of the said pipes Company authorized to lay down pipes. Proviso.

or the erection of said fire plugs or hydrants; and the streets, side and cross walks shall be left in as good and perfect condition as before the laying of the said pipes or the erection of said fire plugs or hydrants.

Borough may take works on payment of cost.

5. *And be it enacted*, That at any time after twenty years from the passage of this act, the borough of Bordentown, in its corporate capacity, may take from the company all the right, title and interest of the company aforesaid, by paying first cost therefor; with interest thereon, at six per cent. per annum.

Approved January 26, 1853.

CHAPTER V.

An ACT concerning the firemen of Jersey City, in the county of Hudson.

Fireman to be exempt from jury and military duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all firemen now actually serving as such, or that shall hereafter be duly appointed by the common council of Jersey City, and who shall produce the certificate of said common council, signed by the mayor and city clerk of said city, officially certifying their appointment, shall, during actual service as such, and after they shall have faithfully served as such for the term of ten years, be exempt from serving as jurors on any grand or petit jury, or in the military service of this state, and from the payment of all taxes, assessments or commutation fees for military purposes, except in cases of war, invasion or insurrection.

Common Council to grant certificate.

2. *And be it enacted*, That at the expiration of any such term of service, the said common council shall grant to the person who shall have faithfully served as such fireman for the whole of said term, a certificate, to be signed by the said mayor and city clerk, certifying to such faithful service for said term.

3. *And be it enacted*, That such certificate of appointment shall during such service, and such certificate of faithful service shall after such service for ten years, be evidence of such exemption as above stated in all courts and places in this state. Certificates to be evidence.

4. *And be it enacted*, That it shall be lawful for the firemen of said city of Jersey City to associate themselves together and form a constitution, appoint officers and pass by-laws, so as to secure and increase the funds of the fire department of said city, and to distribute the same or the income thereof among disabled and infirm firemen, and the widows and infant children of deceased firemen of said city. Firemen may make by-laws.

5. *And be it enacted*, That this act shall take effect immediately.

Approved January 27, 1853.

CHAPTER VI.

AN ACT to incorporate the Mount Holly Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Bispham, George Haywood, Peter V. Coppuck, William K. Huffnagle, John W. Brown, Richard C. Shreve, and John R. Slack, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Mount Holly Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places in the town of Mount Holly, in the county of Burlington, and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and of enforcing the same; and be Names of corporators. General powers.

capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof; *and provided also*, that it shall not be lawful for said corporation to charge or receive for their gas, any greater price than at the rate of four dollars per thousand cubic feet.

Proviso.

Company authorized to lay down pipes, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors, in the streets, alleys, lanes, avenues, or public grounds of Mount Holly, and to do all things necessary to light the said town of Mount Holly, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross walks, public grounds, lands, and avenues shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Charles Bispham, George Haywood, Peter V. Coppuck, William K. Huffnagle, Richard C. Shreve, John W. Brown, and John R. Slack are hereby appointed commissioners for receiving subscriptions for the sum of forty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time, and in such place or places, within this state, as they shall designate, by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed and published in the county of Burlington, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open

the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five dollars upon each share so subscribed shall be paid by each subscriber to the said commissioners, or a majority of them, at the time of subscription; and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners, at the time of the said subscription, shall, by them or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors, and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the said sum of forty thousand dollars, and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem most expedient, until the whole amount of said shares so subscribed shall have been fully paid; *provided*, that the said instalments shall be at least twenty days apart, and shall not be called for in larger sums than five dollars on each share, and at least ten days' notice of each instalment shall be given in a newspaper published in Mount Holly aforesaid.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors to be selected from the stockholders, all of whom shall be residents of Mount Holly, in said county of Burlington; and as soon as conveniently may be after twenty-five thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Monday of May, eighteen hundred and fifty-four; and the said directors shall choose, by plurality of votes, a president from among them-

selves, and such other officers as shall be provided for by the by-laws of said corporation, and the said directors and president and other officers shall hold their respective offices from the first Monday in May of every year, for one year, and shall be elected on the first Monday in May in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Mount Holly aforesaid; and in the case of the death, resignation or removal of the president, or any other officer, or any director, such vacancy or vacancies may be filled, for the remainder of the year in which they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide; and all elections for directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year; and the directors of the last year shall hold their offices until others are elected in their stead, and shall have the same powers for the time being as if they had been re-elected.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of the said

corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same. Proviso.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which book shall be at all times open for the inspection of the stockholders. Books of accounts to be kept.

10. *And be it enacted*, That this act shall continue in force for thirty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. Limitation.

11. *And be it enacted*, That the boundaries of the township of Northampton, in the county of Burlington, shall be deemed and taken to be the boundaries of the town of Mount Holly, for all the purposes of this act. Boundaries of the town of Mt. Holly.

12. *And be it enacted*, That this act shall be deemed and taken to be a public act in all courts and places whatsoever, and shall go into effect immediately. Public act.

Approved January 27, 1853.

CHAPTER VII.

AN ACT to incorporate the "Burlington or Matiniconk Island Land Association."

Preamble. WHEREAS, it is represented to the legislature that Elias E. Boudinot and Joseph Johnson became the purchasers of the lower half of Burlington or Matiniconk Island, in the river Delaware, sold by auction, it having first been duly advertised, according to a law passed at the last session of the legislature; and whereas, others, to wit, Charles Lippincott, John P. Firing, Barclay Haines, Elwood Connor, Jonathan Knight, Lewis C. Leeds and Daniel Vansciver, were interested with them in said purchase, and as it is by them intended to improve said land by laying it out in building lots, buildings and streets, and selling the same; and whereas, it is indispensable that no obstacle should exist to the making of good and sufficient titles for said lots, by reason of death or other causes affecting the individuals now owning said land, therefore,

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elias E. Boudinot, Joseph Johnson, Charles Lippincott, John P. Firing, Barclay Haines, Elwood Connor, Jonathan Knight, Lewis C. Leeds, Daniel Vansciver, and such other persons as they may associate with them, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "The Matiniconk or Burlington Island Land Association."

Annual election of directors. 2. *And be it enacted*, That the stockholders of said company shall meet annually on the first Monday in March, in Burlington city or in Matiniconk, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Burlington, and shall then and there proceed to elect by ballot, *provided* that a majority of the shares of stock be represented at said meeting, five directors, to serve for the term of one year, and until others are chosen in their

Proviso.

places; and said election shall be made by such stockholders of said company as shall attend for that purpose, either in person or by proxy, each stockholder to be entitled to one vote for each share he may own of the stock; the directors so chosen shall elect one of their number to be president of the board of directors of said company, and in case of vacancy or absence, the office shall be filled by such person as the remainder of the directors or a majority of them may appoint; if an election shall not be held at the time so appointed, the said corporation for that cause shall not be considered as dissolved, but said election may take place at any future time, upon due notice as aforesaid being given.

Meeting of stockholders to organize company.

3. *And be it enacted,* That the stockholders may meet at any time after the passage of this act, at the city of Burlington, due notice of the time and place (in writing) having been given previously to each stockholder, for the purpose of organizing said company, and of electing five directors, to hold their office until the annual meeting on the first Monday in March next, or until others shall be chosen in their places.

Lands to be conveyed to company.

4. *And be it enacted,* That so soon as the said company shall be organized, Elias E. Boudinot and Joseph Johnson, who now hold the said lands in fee, shall convey to the said company, by their corporate name, the said tract of land and premises as aforesaid, and the said company are hereby authorized to purchase and hold such lands adjoining the above described premises, as may be contained in the other part of Burlington or Matiniconk Island, or any part or parcel thereof; and also, to purchase and hold so much land on the south side of the river Delaware, in the city of Burlington, as may be necessary for the purpose of constructing a bridge to connect said island with the main land or city of Burlington.

Company authorized to improve premises.

5. *And be it enacted,* That the said company are authorized to improve the above described premises, and any other lands hereby authorized to be purchased, by laying out the same in lots, streets, squares, blocks, lanes, alleys or other divisions, or levelling, raising and grading the streets, as well as to sell and convey the same; and they shall have liberty to fill up, occupy, possess and enjoy all lands covered with water fronting and adjoining the premises, that may now be owned or may

hereafter be purchased by them, and may construct thereon wharves, harbors, slips, piers for ships, or other structures, necessary for commercial or shipping purposes, in accordance with and subject to the restrictions and liabilities contained in the act entitled "an act to authorize the owners of lands upon tide waters to build wharves in front of the same," approved March the eighteenth, one thousand eight hundred and fifty-one.

Duties and powers of directors.

6. *And be it enacted*, That the directors shall have full power to make by-laws, and appoint such officers and agents as they shall deem expedient for the well conducting and transacting the business of the company; to declare and provide for the payment of dividends to the stockholders, and in general to superintend the business and concerns of the company; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or the United States.

Proviso.

Amount of capital stock.

7. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with liberty to the said company to increase the same to one hundred thousand dollars, and shall be divided into shares of two hundred and fifty dollars each; and each share shall be deemed personal property, transferable only on the books of the company, in such manner as the by-laws shall direct.

Limitation.

8. *And be it enacted*, That this act shall be deemed a public act, shall go into effect immediately, and shall not continue in force longer than twenty years; and if all of said real estate shall be sold and disposed of before that time, then this act shall immediately cease; and the legislature may alter, modify or repeal the same, whenever in their opinion the public good may require it.

Approved January 27, 1853.

CHAPTER VIII.

AN ACT to incorporate the Mount Vernon Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John West, Abraham Rex, James S. Wallace, John Miller, Samuel S. Rex, Benjamin Silvis, Samuel Bechtold, Jr., William D. Jones and John Rutherford and their associates and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic in fact and in law, by the name of "The Mount Vernon Hotel Company;" and by that name shall have power to lease or to purchase and hold real estate in the county of Cape May, in this state; and to erect thereon a hotel and other buildings and improvements for the accommodation of strangers and visiters at the said county, and to transact all such business as may be incident or appertaining to the erecting, furnishing, conducting, or leasing or otherwise disposing of said buildings and improvements for the purposes aforesaid. Names of corporators.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of one hundred and fifty thousand dollars, with liberty to increase the same hereafter as aforesaid, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding two hundred thousand dollars. Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of five dollars each, and shall be transferable in such manner as the by-laws of the said corporation shall direct; and each share of the said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders. Stock transferable.

4. *And be it enacted*, That no part of the said capital stock shall, at any time, or in any manner, or under any pretence whatever, be withdrawn from the legitimate business of the said corporation, or refunded to the stockholders until all the debts and liabilities of the said corporation are fully paid. Capital stock not to be withdrawn.

Election of directors.

5. *And be it enacted*, That the directors shall be elected from among the stockholders in such manner as the by-laws of said corporation shall prescribe, and shall not be less than seven in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

Liabilities.

6. *And be it enacted*, That the whole amount of debts which the said corporation shall owe at any one time, shall not exceed the amount of capital stock subscribed for.

Annual statement to be made.

7. *And be it enacted*, That annually, in the month of October, the directors of said corporation shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against said corporation, specifying to whom such debts are due, and the receipts and credits of said corporation; which said statement shall be verified by the affidavit of the directors, and no dividends shall be paid to the stockholders except only from and out of the surplus profits arising from the business of the said corporation.

Limitation.

8. *And be it enacted*, That this act shall be and continue in force for the term of twenty years, from and after the date of its passage.

Approved January 27, 1853.

CHAPTER IX.

A supplement to an act entitled "an act to incorporate the Mount Hope Mining Company."

Increase of capital stock authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Mount Hope Mining Company" to increase its capital stock and the number of shares, in such manner and at such times as

by the stockholders of said company may be deemed expedient; *provided*, that the number of shares and increase of capital stock hereby authorized do not exceed five hundred thousand dollars. Proviso.

2. *And be it enacted*, That it shall be lawful for said company, in addition to the powers already vested in it, also to manufacture iron, and for that purpose they may establish, build, carry on and purchase in the county of Morris, from time to time such furnaces, forges, rolling mills and other works, as to them shall seem necessary and proper. Company may manufacture iron.

3. *And be it enacted*, That the said company shall have power and they are hereby authorized to construct and use in the transportation of iron ore, manufactured iron or any articles necessary and proper for the use of said company in its operations, a railroad or roads, from the mines of said company or the furnaces, forges, rolling mills and other works held under the authority of this act, to connect with the Morris Canal or the railroad of the Morris and Essex Railroad Company, by and with the consent of said railroad company first obtained, in the county of Morris, or between the mines of said company and its other works, and to use upon such railroads, locomotive engines and such carriages as may be necessary or proper for the convenient use of said railroads for the purposes aforesaid, and when such railroads shall cross any public highway, it shall be the duty of said company to make and keep in repair suitable wagon ways over or under the same, so that the passage of carriages, horses and cattle on the said highways shall not be impeded thereby. Company authorized to build railroad.

4. *And be it enacted*, That it shall be lawful for the said company to acquire the right of way for such road or roads by purchase or agreement with the owner or owners of the lands, over which the same may be laid out; and any deed or agreement made between the said company and the landholder or holders shall be valid and effectual in law, *provided*, the same be in writing and signed by the party to be affected thereby, or his agent thereto lawfully authorized, and said company shall and may hold the said railroads and their appurtenances, when constructed, as a part of the property of said company. Company may acquire right of way. Proviso.

5. *And be it enacted*, That the said act to which this is a Limitation.

supplement, and this supplement, shall be and continue in force for the term of twenty years from and after the expiration of the time limited in said original act and no longer.

6. *And be it enacted*, That this act shall take effect immediately.

Approved January 27, 1853.

CHAPTER X.

A supplement to the act entitled "an act to incorporate the Sussex and Warren Railroad Company," approved February twenty-one, eighteen hundred and fifty-one.

Extension of road authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Sussex and Warren Railroad Company, by and with the consent of the state of New York, to extend their railroad into the county of Orange, in the state of New York, and also to consolidate the stock of the said company with the stock of any company now formed or hereafter to be formed in the state of New York, with which their road may connect.

Time of commencement and completion.

2. *And be it enacted*, That the period limited for the commencement and completion of the said railroad shall be computed from the time of the passage of this act, and that it shall be lawful for the said company, so often as ten or more miles of the said road shall have been completed, to use, possess and enjoy the same, and all their corporate rights, privileges and franchises, in as full and ample a manner as if the whole road and branch road had been completed; *provided, however*, that

Proviso.

if any of the present stockholders of the said company shall within three months from the passage of this act, disagree thereto and express their dissent in writing to any one of the commissioners named in the act to which this is a supplement, or any one of the directors hereafter to be chosen, then it shall

be the duty of the said company to pay or deliver to such person the money or securities paid or given by him or her for the said stock, with interest, on the transfer thereof to the said company.

3. *And be it enacted*, That so much of the fourth section of the act to which this is a supplement as requires the president and a majority of the directors of the said company to be citizens and residents of this state, and the eighteenth section of the said act be and the same is hereby repealed. Part of former act repealed.

4. *And be it enacted*, That it shall be lawful for the commissioners named in the said act, or a majority of them, to call a meeting of the stockholders and to choose directors in the manner mentioned in the said act, as soon as one hundred thousand dollars of the stock shall have been subscribed. Election of directors.

5. *And be it enacted*, That this act shall take effect immediately.

Approved January 27, 1853.

CHAPTER XI.

A supplement to the act entitled "an act for the relief of persons imprisoned on civil process."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any person in actual confinement for debt or damages, in any of the jails in this state, to give bond for the prison limits, according to the twenty-third section of the act to which this is a supplement, and thereupon he shall be discharged from imprisonment, except within the prison limits, notwithstanding the verdict of a jury may have been rendered against said debtor on any former application or proceeding for the benefit of the insolvent laws, and it shall also be lawful for said debtor Bond may be given for prison limits.

Second application.

to make a second application by petition or otherwise for the benefit of the insolvent laws of this state, and to proceed thereon as if no former application had been made, and it shall and may be lawful for the court of common pleas of each county, or any three judges thereof, whenever applied to for that purpose, forthwith to set aside the verdict of a jury rendered in such court for or against any debtor applying for the benefit of the insolvent laws, and to grant a new trial, and order a venire to the sheriff to return a jury before said court or judges upon such terms and at such short day and notice as they may deem right and proper, and also upon like terms to permit the proceedings and papers on either side to be amended, and the debtor re-examined.

Judges may grant new trial.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved February 1, 1853.

CHAPTER XII.

AN ACT to incorporate the Pleasantville and Atlantic Turnpike Company.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby ordained, constituted, and made a body politic and corporate in fact and in law, by the name of "the Pleasantville and Atlantic Turnpike Company;" and that John Lake, Pardon Ryon, Lucas Lake, Steelman Leeds, Daniel Ingursull, William Adams, Jesse S. Lake, David Lake, William Bartlett, and Simon Lake, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital

Commissioners to open books of subscription.

stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to any sum not exceeding sixty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, fifty cents shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Proviso.

Election of directors and officers.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when four hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, a treasurer and seven directors, for the term of one year, and a majority of said direc-

tors shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect by ballot a treasurer and seven directors, and a majority of said directors shall be citizens of this state, and the judges of such election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, in person or by proxy; and that if four hundred shares of said stock shall not be subscribed for within five years, this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Duties and powers of president.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected; the president and treasurer shall be citizens of this state and resident in the county of Atlantic, and shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence the said board shall appoint some other from their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road one hundred feet wide across the salt marsh or meadows laying between the village of Pleasantville and Absecomb Beach, in the said county of Atlantic, the said turnpike road to commence at the main shore road leading from Somers' Point to Leeds' Point, and at or near where the end of the road leading from Pleasantville to May's Landing intersects the said shore road, and from thence as near straight as is convenient to Long Point, on Absecomb Beach; the said turnpike road shall be at least thirty-two feet in width and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road, at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient draw-bridge or draw-bridges, and other bridge or bridges along the line of said road not less than eighteen feet in width; and whenever the said road in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time, and at all times, upon all lands, to search for stone, gravel, sand, clay, mud, or other material, for constructing said turnpike road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road aforesaid, they shall pay to the respective owners of the lands over which the said turnpike shall pass, all damages which the said owners will sustain by reason of the construction of said turnpike road, and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the

Description of road.

Proviso.

damage which any land owner or owners may sustain by the taking of stone, gravel, or other materials from his or her lands for the constructing or maintaining of said turnpike road.

Proceedings in case company and owners of land cannot agree.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, laborers and other person or persons by them employed, with carts, wagons, and other carriages, and with their beasts of burthen and draught and all necessary materials, tools and implements, to enter upon all lands, contiguous or near to the said turnpike road, doing as little damage thereto as possible, repairing any breach they make in the enclosure thereof, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said turnpike road and to take and carry away any stone, gravel, clay, sand, earth, mud, or other materials there being most conveniently situated, and being most suitable for improving said turnpike road as aforesaid, the said owners or occupants of such lands being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within one year from the time of such damage sustained or materials taken away; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for either party to apply to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county whence such materials were taken, not being a stockholder or in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of the state as appraisers; and thereupon, the said appraisers, having given at least fifteen days' notice in writing, of the time and place of their meeting, to each party, to meet at such time and place, and having taken an oath or affirmation, fairly and impartially, to inquire into and report the value of the said materials and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement, under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of said county whence such materials were taken, to be by him filed in his office, and re-

main of record therein; which said valuation and appraisement shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor, and every such owner or owners of the said lands, having first made demand of the said company for the amount so valued or appraised, may sue for and recover the same, by action of debt, with costs of suit.

8. *And be it enacted*, That as soon as the said company shall have constructed one-half of the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile, and all fractions over half a mile of the said turnpike road, not exceeding the following rates, to wit: Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, two cents.
For every additional beast, two cents.
For every horse and rider, or led horse or mule, one cent.
For every dozen of calves, sheep or hogs, one cent.
For every dozen of horses, mules or cattle, three cents.

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship, on the Sabbath day, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or re-passing, when called to do duty by the laws of this state or of the United States. Proviso.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one Mile stones or posts to be erected.

for each and every mile on the same, and on each stone or post shall be fairly and legibly marked, the distance the said stone or post is from Pleasantville; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said turnpike road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any of the gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, turn out of the said turnpike road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for delaying travelers.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay, or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

12. *And be it enacted*, That all drivers of carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said turnpike road, shall keep their horses, carriages, sleighs or sleds, on the right hand of the said turnpike road in the passing directions, leav-

ing the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

13. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made by three respectable freeholders to one of the judges of the court of common pleas of the county of Atlantic, not interested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, not interested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said judge in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit, and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company, and it shall be the duty of the persons so appointed, or a majority of them, on application from said company again to view the said road and report as aforesaid their opinion to the said judge, who shall, if authorized by the report of said persons or any two of them, by license, under his hand and seal, directed to the toll-gatherer,

permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Statement of costs to be filed.

14. *And be it enacted,* That as soon as the said turnpike road is finished, the president and treasurer of the said company shall file under oath or affirmation a statement of the amount of the cost of the said turnpike road, including all expenses on said road, in the clerk's office of the county of Atlantic, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the board of chosen freeholders of the said county of Atlantic, the amount of dividends of said road; and when the dividends of said road shall amount to six per centum per annum upon its costs, the said company shall be taxed for said road the same as other property is taxed; *provided,* the said company shall not be taxed until the dividends of said road shall amount to six per centum.

Proviso.

Dividends.

15. *And be it enacted,* That the said company may from time to time make and declare such dividends from the tolls as they may think proper.

Approved February 3, 1853.

CHAPTER XIII.

AN ACT to incorporate the Board of Education of the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the city of Newark, created by the provisions of an act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, be and the same is hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name by the name of "The Board of Education of the city of Newark," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law, capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity, and that they and their successors may have a common seal and alter the same at their pleasure; and that all the provisions of the act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, shall, except as is herein provided, hereafter have the same force and effect as if the same were introduced into and made a part of this act, and the said corporation shall have succession according to the provisions of the said act hereinbefore mentioned. Style of incorporation.

2. *And be it enacted*, That all actions or other proceedings brought or to be brought in any court of law or equity, against any person or persons or body corporate for damages for and on account of any injury to any school house, or any outbuildings, fences, trees or other improvements thereto belonging, or to any school furniture or school books, in any school house under the charge of the board of education, shall be in the name of "The Board of Education of the city of Newark," notwithstanding that the legal title to such property may be vested in the mayor and common council of the city of Newark; and all damages which may be recovered in such actions or proceedings shall be appropriated by the said board to thes upport of public schools in said city. Actions to be in the corporate name of board.

Board to appoint city superintendent.

3. *And be it enacted*, That the said board of education shall have power, from time to time, to appoint a city superintendent of public schools of the city of Newark, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointments shall continue during the pleasure of the board of education, and no longer.

Duties of city treasurer.

4. *And be it enacted*, That whenever, and as often as the common council of the city of Newark shall by resolution direct the treasurer of said city to credit the said board of education with a sum or sums of money for the support of public schools in said city, it shall be the duty of the treasurer of the city of Newark, immediately after the receipt of a copy of such resolution, duly certified by the clerk of common council for the time being, to enter on his books the sum or sums of money therein mentioned, to the credit of "The Board of Education of the city of Newark;" and the treasurer of said city shall pay on presentation all drafts drawn upon him by order of the board of education, duly attested by the signatures of the president and secretary of said board, to an amount not exceeding the balance remaining on his books to the credit of the said board of education, and shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as treasurer of the city of Newark.

Assessors to make out list of children.

5. *And be it enacted*, That it shall be the duty of the assessors of the several wards of the city of Newark, and they are hereby authorized and required to make out a list of the children capable of attending school, between the ages of five and eighteen years, within each of said wards respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and transmit the same under proper certificate, on or before the first day of August annually, to the secretary of the board of education of the city of Newark; and the number of children in said lists shall be duly certified by the said board to the board of chosen freeholders of the county of Essex, at their annual meeting next succeeding the return of said lists as aforesaid, and the quota of the city of Newark in the apportionment of the moneys ap-

propriated by law to public schools in this state, shall be determined by the said board, in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to the said board, according to the provisions of an act entitled "An act to establish public schools," and the supplement thereto; and the sum of one dollar for every one hundred names of children contained in said lists, respectively, shall be allowed to the assesors duly making and transmitting the same, to be paid by the board of education of the city of Newark.

Part of former acts repealed.

6. *And be it enacted*, That the fourth section of the act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, and so much of said act as prescribes the time of the first meeting of the board of education after each election, and so much of said act or any other act as is inconsistent with or repugnant to this act, be and the same is hereby repealed.

Public act.

7. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall go into effect immediately.

Approved February 3, 1853.

CHAPTER XIV.

AN ACT to change the time for the collection of taxes in the township of Elizabeth, in the county of Essex.

Time of assessment changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duty required of the assessors of the several townships by the third section of the act entitled "An act concerning taxes," shall be performed by the assessor of the township of Elizabeth within fifteen days after the second Monday in July, hereafter; and the commissioners of appeal in cases of taxation, in said township, shall meet annu-

ally on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

Time of collection changed.

2. *And be it enacted*, That the duty which the collector of said township is now required to perform by the tenth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the time of payment of moneys to the collector of the county of Essex shall be the twenty-second day of October, instead of the twenty-second day of December, in each year; and the duty required of the collector of said township by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December, in each year.

Approved February 3, 1853.

CHAPTER XV.

AN ACT supplementary to an act entitled "An act for the more easy partition of lands held by co-parceners, joint tenants and tenants in common," approved April sixteenth, eighteen hundred and forty-six.

Partitions in certain cases made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no partition of lands in this state heretofore made between co-parceners, joint tenants or tenants in common, by order of any orphans' court in said state, nor any sale thereof by commissioners appointed to make such partition, shall be held or esteemed to be invalid by reason of any defect in the form of the application, or of any supposed want of power in said court to order or decree said partition or sale, where the said application for partition is in fact between co-parceners, joint tenants or tenants in common, and the heir or heirs of a deceased co-parcener, joint tenant or tenant in com-

mon, or any claiming under them, but that the said partition and sale if in other respects legal, shall and the same is hereby declared to be valid and effectual in law.

Approved February 3, 1853.

CHAPTER XVI.

AN ACT to incorporate the Bordentown Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Garret S. Cannon, Joseph W. Allen, Peter H. Kester, Whitall Stokes, John F. R. Combs, Charles Mickle and William D. Parrish, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Bordentown Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situate in the borough of Bordentown, and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Names of corporators.

General powers.

Proviso.

Company authorized to lay down pipes, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors, in the streets, alleys, lanes, avenues, or public grounds of Bordentown, and to do all things necessary to light the said borough of Bordentown, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross walks, public grounds, lanes, and avenues shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That John L. McKnight, Garret S. Cannon, Joseph W. Allen, Whitall Stokes and John F. R. Combs are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time, and in such place or places, within this state, as they shall designate, by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the borough of Bordentown, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners at the time of the subscription, shall, by them or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors, and the said board, when so appointed, shall have power, and they are

hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of fifty thousand dollars, and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem most expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors to be selected from the stockholders, three of whom shall be residents of Burlington county, and the said directors shall choose by plurality of votes a president from among themselves, and as soon as conveniently may be after five thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in June, eighteen hundred and fifty-four; and the said directors and president shall hold their offices from the second Monday of June, of every year, for one year, and shall be elected on the second Monday in June in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in the borough of Bordentown, and any vacancy of the board of directors may be supplied by appointments to be made by the said board of directors until the next election, and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which book shall be at all times open for the inspection of the stockholders.

Limitation.

10. *And be it enacted*, That this act shall continue in force for thirty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

11. *And be it enacted*, That this act shall go into effect immediately.

Approved February 5, 1853.

CHAPTER XVII.

AN ACT to provide for the safety of travel on turnpike roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any turnpike company incorporated by the laws of this state, to change and alter the line of their road, wherever any rail-road shall, or may cross the same, or in any way interfere with the public travel on said turnpike road; *provided*, that the land necessary for such change and alteration in said line, to be acquired in the manner prescribed in the charters of the respective turnpike companies, shall not be used for the purpose, until the owner or owners thereof shall first be paid or satisfied for all damages. Company may change line of road. Proviso.

2. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall be in force immediately after the passage thereof. Public act.

Approved Febuary 5, 1853.

CHAPTER XVIII.

AN ACT to incorporate the West Jersey Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas H. Whitney, Lewis Mulford, John W. Mickle, George M. Ward, Samuel S. Marcy, David Potter, E. L. B. Wales, Richard P. Thompson, Charles E. Elmer, Richard C. Holmes, Newcomb J. Thompson, Francis N. Buck, Benjamin F. Lee, Samuel J. Reeves, Abraham Browning, John A. Elkinton, Joshua Swain, Jr., Richard D. Wood, Benjamin Acton, Jr., Thomas Mills, Thomas Jones Yorke, Samuel A. Whitney, Mark Devine, Daniel E. Estell, Names of corporators.

and such other persons as may be hereafter associated with them, shall be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of the "West Jersey Railroad Company," and shall be capable of purchasing, holding, and conveying, any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one million of dollars, with liberty to increase the same to two millions, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books, to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them, and as soon as two hundred and fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose thirteen directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be, after

Election of directors.

every election, choose out of their own number, a president, who shall be resident of this state; and in case of the death, resignation, or removal, of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Payment of instalments.

5. *And be it enacted*, That seven directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments, and at such times as they may direct, and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Description of road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct, a railroad from the city of Camden, to run through the counties of Camden, Gloucester, Salem, Cumberland and Cape May, terminating at or near the city of Cape Island, in the county of Cape May; *provided always*, Proviso.

that it shall and may be lawful for the said company to make or construct two branch railroads from some convenient point on the said main road, to be determined on by the said company, the one to run to the town of Salem, in the county of Salem, and the other to the town of Bridgeton, in the county of Cumberland, with the privilege of continuing the same to some point or points on Delaware Bay, not exceeding one hundred feet in width for either branch or main roads, except in such places where from the depth of the excavation, or the height of the embankment it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out the said route or routes of such railroad, or lateral and branch roads, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road, or lateral and branch roads, shall have been determined upon, and a survey of such route or routes, deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad or railroads may be laid out, be made before the said company or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such land be first had and obtained.

Proviso.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad or branch roads, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which

Proceedings in case company and owners cannot agree.

report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials or of the said owner or owners to recover the amount of said valuation with interest and costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may lie.

Parties aggrieved may appeal.

Proceedings in case of appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at

the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages; in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners. Proviso.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient Company to make bridges.

bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along the said road shall not be obstructed, and likewise when the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the said road.

What real estate may be held.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroads and the different branch roads aforementioned, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages, and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks or streams as the road or branch roads may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, the said company whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Proviso.

Company may make dividends.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

Rates for carriage and transportation

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or other vehicles for the transportation of persons or any species of property on the railroads as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of three cents per mile for carrying each passenger on said railway or at the rate of six cents per ton per mile for the transportation thereon of every species of merchandise, produce, property and freight.

Proviso.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts. Contracts may be made for transportation, &c.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further shall be liable for all damages. Penalty for injuring works.

15. *And be it enacted*, That when twenty miles or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act. When company may commence business.

16. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall under oath or affirmation make a statement to the legislature of this state of the proceeds of said road, until the nett income of the said road shall amount to seven per centum upon the amount of its cost, and as soon as the nett proceeds of said road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company. Annual statement to be made. Proviso.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said Corporation authorized to borrow money

road and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

Appraisement of road and appendages to be made.

18. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said roads, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state, for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or, if they cannot agree, they shall choose a seventh, who with the aforesaid six, or a majority of them, shall report as aforesaid, or in case the said company shall neglect or refuse to appoint, the said three persons on their part, for two months after notice of the said appointment, by the said chief justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company, or in case the six commissioners shall be appointed, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years, of taking the said road, with its appendages, upon the payment to the company of the amount of said report, within one year after electing to take the said road, which report shall be filed in the office of the secretary of this state, and the whole property, and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company, and it shall be the duty of the president of the company, to lay before the legislature, under oath or affirma-

tion, when they shall so request, a full and fair statement of the costs of said road, and of the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts or disbursements of the company, or advance of stock; and the said valuation shall in no case exceed the first cost, or valuation of said road, with the appendages thereof. Proviso.

19. *And be it enacted*, That if the said railroad shall not be commenced within three years, and be completed at the expiration of ten years, from the fourth day of July next, ensuing, that then, and in that case, this act shall be void. Commencement and completion of road.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge. Certain officers to pass free.

Approved February 5, 1853.

CHAPTER XIX.

AN ACT to authorize the inhabitants of the townships of Hope and Knowlton, in the county of Warren, and the township of New Barbadoes, in the county of Bergen, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Hope and Knowlton, in the county of Warren, and the township of New Barbadoes, in the county of Bergen, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their an- Officers to be elected by ballot.

nual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter be fixed by law; that is, a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, for the townships of Hope and Knowlton, and two for the township of New Barbadoes, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee, consisting of five persons, a superintendent of common schools, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables, one or more pound keepers; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, and for the place of holding the next annual town meeting, and the election of state and county officers.

Election of officers.

2. *And be it enacted*, That the judge of election, elected at the last or any future town meeting, shall preside at and conduct the election at the next annual town meeting, and the clerk of the township shall be the clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justice of the peace.

Mode of conducting election.

3. *And be it enacted*, That the elections shall open at eight o'clock in the morning, and close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk, as are to be performed by the board of election, and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner and stated according to law.

Vacancies how supplied.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be

a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting, or state and county election, or in case of refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, the town committee shall, at their next meeting thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Clerk to keep minutes.

5. *And be it enacted,* That the clerk of the township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township, and when the town committee shall fill a vacancy, or elect, in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

Overseer of the poor to make annual statement.

6. *And be it enacted,* That the overseers of the poor shall, at least ten days before the town meeting, prepare and lay before the town committee their annual report, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and at least five days before the town meeting, shall have copies thereof, and of the reports of the overseers of the poor, posted up in three of the most public places in the townships.

Compensation to officers, &c.

7. *And be it enacted,* That the reports of the town committee and the overseers of the poor, shall be filed and preserved by the town committee; in posting up the list of officers elected as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, unless otherwise changed, and all special town meetings, at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the

New Jersey State Library

same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for additional duties required by this act, as they may deem reasonable.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1853.

CHAPTER XX.

AN ACT to set off a part of the township of Newton, in the county of Sussex, and to annex the same to the township of Green, in said county.

Boundaries of portion set off.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Newton, in the county of Sussex, that lies southwesterly of the line following, to wit:—Beginning in the line between the townships of Byram and Newton, at the south-east corner of a frame shed at White Hall, on the south-west side of the turnpike road, and running from thence a straight line, to where the East and West Jersey line crosses the public road leading from Greensville to Springdale, be and the same is hereby set off from the said township of Newton, and annexed to the township of Green, in the said county of Sussex; and that the inhabitants of that part of the said township of Newton, so set off and annexed, shall be incorporated with the inhabitants of the said township of Green, as heretofore existing under the incorporate name of "The Inhabitants of the township of Green, in the county of Sussex."

Commissioners to survey line.

2. *And be it enacted*, That Zachariah H. Price, William McCoy, and Moses Woodruff, or any two of them, be and they are hereby appointed commissioners to run, survey, as-

certain, and mark the said line; and that they or any two of them, shall, on or before the first day of April next, execute and discharge the duties of this appointment, in the like manner, in all respects, as if they had been appointed by the court of common pleas of the said county of Sussex, on the application of the board of chosen freeholders, except only that it shall not be necessary for the said commissioners to give notice of the time and place of meeting to perform the duties of their appointment; and that the charges and expenses of the said commissioners shall be taxed and paid in like manner as if they had been appointed by the said court.

Act when to take effect.

3. *And be it enacted*, That this act shall take effect, and go into operation on the first day of April next.

Approved February 5, 1853.

CHAPTER XXI.

A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight.

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the said "Sussex Mine Railroad Company" be and the same is hereby changed to "The Sussex Railroad Company," and that by the said name the said company shall possess and enjoy all its present rights, privileges and franchises, and be subject to all its present liabilities, and that it shall be lawful for the said Sussex Railroad Company, and the said company is hereby authorized and empowered to extend their railroad from some point at or near Andover, in the county of Sussex, to the village of Newton, and from thence to any point in said county on the Delaware river, with power to construct a bridge across

Route and description of road.

said river, by and with the consent of the state of Pennsylvania, so as not to cause any obstruction or impediment to the free navigation of said river, and to construct spurs or branches from the said railroad to any mines or furnaces in the said county of Sussex; and it shall be lawful for said company to lay out and locate the said railroads hereby authorized, six rods in width, and also to increase their present road, or any part thereof, from time to time, to the same width, and to take and appropriate all lands necessary for such purposes, upon making payment therefor, and damages to the owners thereof, as prescribed in the original charter of said company, and as hereinafter mentioned and directed; and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road; *provided always*, that if the said extension or branch railroad be not commenced within five years from the passage of this act, the authority to construct the same shall cease.

Proviso.

Company invested with powers, &c., of former charter.

2. *And be it enacted*, That, for the purpose of carrying into effect the object of this act, the said company shall be, and they are hereby invested with all the rights, powers, authority and privileges given and granted by their original act of incorporation, and the supplement thereto, approved March eighteenth, eighteen hundred and fifty-one, and they are hereby also subjected to all the duties, restrictions and liabilities contained in the said act and the supplement thereto; *provided always*, that the second section of the said supplement be and the same is hereby repealed; *and provided further*, that the charge for transporting passengers over the said railroad, and branches, shall not exceed six cents per mile per head, and for freight eight cents per ton per mile, and for manures and other fertilizing substances at half the rates prescribed in the charter of said company.

Proviso.

Survey of lands to be deposited in clerk's office.

3. *And be it enacted*, That in case said company shall determine to widen their present road, or any part thereof, as hereinbefore authorized, they shall proceed in acquiring the lands necessary for that purpose, in the same manner as is directed by said original act, and this supplement, in respect to acquiring the lands for the line of said company's present road

and the roads hereby authorized, except that it shall not be necessary to deposit any survey thereof in the office of the secretary of state; but it shall be the duty of said company to cause particular surveys and descriptions of any lands proposed by them to be taken for that purpose to be made, and deposited in the clerk's office of the county in which such lands lie, before they proceed to acquire the title thereto, true copies of which surveys and descriptions shall be exhibited to the judge or justice to whom any application or applications shall be made for the appointment of commissioners to assess the value of said lands, at the time or times of making such application or applications.

Application for appointment of commissioners.

4. *And be it enacted*, That it shall be lawful for said company, at their option, instead of making application for the appointment of commissioners to a judge of the courts of common pleas, as in said original act is directed, to make such application to any one of the justices of the supreme court of this state; and in that case the subsequent proceedings directed by said act to be had and done before and by a judge of a court of common pleas, shall be had and done before and by such justice of the supreme court; and the appeal from the award of commissioners, authorized by said original act, shall be made to and determined in the circuit court of the county in which the lands lie, in the same manner as by said act it is directed that said proceedings may be had before judges of the court of common pleas, and the courts of common pleas of the proper counties, and for these purposes, full power and authority is vested in the justices of the supreme court and in said circuit courts; *provided always*, that pending any appeal from the award of the commissioners the said company may proceed with the laying out and construction of the said railroad, upon filing the report in the office of the clerk of the county, and payment or tender of payment of the sum awarded by the commissioners.

Proviso.

Proceedings in case of defective title.

5. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for said original roads or the roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads

has not for any reason been acquired, then it shall be lawful for said company to proceed anew, in the manner by said original act and in this supplement authorized and directed, to acquire the right and title to any such lands.

Deviations from original route.

6. *And be it enacted*, That in case said company shall, at any time, under the authority of the sixteenth section of the act entitled "An act to incorporate the Sussex Mine Railroad Company," make any deviation or deviations in the line of their roads, as originally surveyed and laid out, it shall be lawful for said company to proceed, in acquiring the title or right to appropriate the lands necessary for such deviation or deviations, in the manner directed by their original charter and this supplement thereto.

Company may take materials for construction of road.

7. *And be it enacted*, That the said company may take and use any stone, gravel or earth on or near the route of their roads, which may be necessary for the construction, repairing, or altering of their said roads, or of any of the works or appendages of the same; *provided*, that before any such materials be taken or used, the value of the same be assessed in the manner in said original act, and this supplement provided for the assessment of the value of lands, and such value duly paid or tendered to the owner or owners of such materials.

Proviso.

Capital stock may be increased.

8. *And be it enacted*, That, for the purpose of enabling said company to construct and complete the railroads authorized by this act, it shall be lawful for them to increase their capital stock to the sum of two millions of dollars; the amount of increase shall be subscribed for in such manner, and at such time or times and places, as the board of directors of said company may deem expedient and proper; and separate subscriptions may be opened, separate stock may be created, and accounts be opened and kept for the said extension branches and spurs, or the whole be blended in one general fund, as the company, by their officers, shall direct.

Company may issue bonds.

9. *And be it enacted*, That it shall be lawful for said company, from time to time, to borrow such sum or sums of money as may be necessary to construct and complete the railroad or roads, with the appendages thereto, authorized by this act and the act to which this is a supplement, and the previous supplement thereto, and to issue their bonds carrying such rates of

interest, as may be stipulated, and to sell the same on the best procurable terms, without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is hereby granted to the said company to pledge or hypothecate, by way of mortgage, trust, or otherwise, the whole or any part of the railroad and railroads by them heretofore constructed or hereafter to be constructed under the authority of this act, together with all the privileges, appendages, and appurtenances to said railroads belonging, and all the property, franchises, and chartered rights of said company; and such pledge, hypothecation, bond, mortgage, and trust, shall be valid in law for securing the due payment of any sum or sums of money so borrowed, with the interest thereon accruing, which the same may be given to secure; and in case default shall be made in the payment of any moneys so borrowed and secured, the person or persons, body politic or corporate, their legal representatives, successors, or assigns, claiming under such pledge, hypothecation, bond, mortgage, or trust, may, by due process of law, acquire the title to, and have, hold, use, occupy, and enjoy the said road, with the privileges, appendages, and appurtenances to the same belonging, and all the property of said company, and the franchises and chartered rights aforesaid, and take and receive the tolls, rents, issues, profits and advantages thereof, during the whole residue of the term for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might have had, used, and enjoyed the same, subject, nevertheless, to all the restrictions, limitations, and conditions contained in the act incorporating said company, and of the supplements thereof; and any deed by which any pledge, hypothecation, mortgage, or trust, shall be created by virtue of this act, shall be entered on record in the offices of the clerks of the several counties through which the line of road shall pass, the same having been first acknowledged or proved according to law.

Road to be public highway.

10. *And be it enacted*, That the present railroads of said company, and the road or roads authorized by this act, shall be taken and deemed public highways, for the use of steam engines and cars propelled by steam engines only.

Statement of costs to be filed.

11. *And be it enacted*, That the president or treasurer of said company shall, within one year after the completion of the said road or roads, file in the office of the secretary of state, under oath or affirmation, a statement of the whole cost or expenses of the road or roads, and appendages, and annually thereafter, a statement of the proceeds thereof; and whenever the annual dividend declared by the said company shall amount to seven per cent., the said company shall pay to the treasurer of this state the one-half of one per cent. per annum on the capital stock of said company, to be paid on the first Monday in January in each year, to be added to the school fund for the use of public schools; *provided*, that no other taxes or imposts shall be levied or assessed on said company until the net proceeds shall amount to twelve per cent. per annum, at which time the said company shall be subject to a county and township tax.

Proviso.

Bonds of company may be had by incorporations.

12. *And be it enacted*, That it shall and may be lawful for any corporation duly organized by virtue of any law of this state, to subscribe for and hold the stock and the bonds of the said railroad company.

Stock of company and Morris and Essex Railroad may be consolidated.

13. *And be it enacted*, That it shall and may be lawful for the said company to consolidate the stock of the said company with the stock of the Morris and Essex Railroad Company, upon such terms as may be mutually agreed upon by and between the directors of the said companies, and that from and after such consolidation, the company thus formed shall be invested with all the rights, powers, and privileges, which belonged to either company before such consolidation was effected, and subjected to all the restrictions contained in either such acts and supplements thereto.

What land may be held.

14. *And be it enacted*, That it shall be lawful for said corporation to purchase, hold, and possess, at either termination of their road, or at any intermediate point, any quantity of land not exceeding five acres for the purposes of this act only.

Contracts may be made for transportation of passengers, &c.

15. *And be it enacted*, That it shall be lawful for said company, by its directors, to enter into contract with any other corporation, or with any individual or individuals, for conveying passengers, goods, produce, merchandize, and other freight, to and from any point or points on the line of their road.

16. *And be it enacted*, That this act shall be deemed and taken as a public act, and take effect immediately, and that all acts or parts of acts inconsistent with the provisions hereof, be and the same are hereby repealed. Part of former act repealed.

Approved February 5, 1853.

CHAPTER XXII.

A supplement to the act entitled "An act to incorporate the Red Bank Steamboat Company," passed February nineteenth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the president and directors of the Red Bank Steamboat Company to increase the capital stock of said company to any amount not exceeding fifty thousand dollars, subject to the like provisions as are contained in the act to which this is a supplement. Capital stock may be increased.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1853.

CHAPTER XXIII.

A supplement to the act entitled "An act to incorporate the Washington Turnpike Company."

President and directors to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The President and Directors of the Washington Turnpike Company" be and they are hereby authorized and empowered to raise the sum of one hundred thousand dollars, and for that purpose may open books of subscription for such number of shares, at such times and places, and upon such terms as the directors of said company may deem expedient and proper; or they may execute and issue bonds and secure the same by mortgage upon their road, property and franchises, and negotiate the said bonds upon such rate of interest and discount as they may think expedient, without invalidation thereof, by virtue of any statute against usury.

Company may construct plank road.

2. *And be it enacted*, That it shall and may be lawful for said company to lay down and construct a plank road on their present turnpike road or such parts thereof as they may think proper; and as soon as said company shall lay down and construct a good and substantial road, then it shall and may be lawful for said company to demand and receive toll for each mile of road, not exceeding the following rates:

Rates of toll.

For every carriage, wagon, sleigh, sled or other vehicle drawn by one beast,	two cents.
For every additional beast,	one cent.
For every horse and rider, led horse or mule,	one cent.
For every dozen calves, sheep or hogs,	two cents.
For every dozen horses, mules or cattle,	five cents.

And the same in proportion for a greater or less number.

Company may vary line of road.

3. *And be it enacted*, That it shall and may be lawful for said company to vary the line of their road as first surveyed and laid out, at such places and points as in their opinion will best promote the public convenience and reduce the grades;

Proviso.

provided, the owner of the lands required to make such deviation or deviations be first paid for all damages, and it shall be

lawful for said company to proceed in acquiring the title or right to appropriate the lands necessary for such deviation or deviations, in the manner directed by the act entitled "An act authorizing the incorporation of plank road companies," and it shall and may be lawful for said company to surrender and give up any portion of their road for public use, by filing a certificate of such surrender in the clerk's office of the county in which such surrendered part of said road may lie, and thereupon the part or parts so surrendered and given up shall become and remain a public highway or road, and be used and maintained and repaired as other roads or highways of this state.

Penalty for injuring works.

4. *And be it enacted*, That if any person or persons shall cut, break down, destroy or otherwise injure any gates, turnpikes, bridges, or any other property of said company, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment at hard labor not exceeding three years, or by fine not exceeding five hundred dollars, or both.

Public act.

5. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall be in force for the term of twenty years.

Approved February 5, 1853.

CHAPTER XXIV.

A supplement to an act entitled "An act for the relief of John Carter, of the county of Atlantic," passed February ninth, eighteen hundred and forty-three.

Rate of pension increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall and he is hereby authorized and required to pay to John Carter,

formerly of Atlantic, now resident in Burlington county, the sum of eighty dollars per annum, in the place of forty dollars, as the act to which this is a supplement provides, in half yearly payments, the first payment to be made on the passage of this act; and the receipt of the said John Carter, or his order, shall be a sufficient voucher to the treasurer for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1853.

CHAPTER XXV.

A supplement to the act entitled "An act to incorporate the Schooley's Mountain Manufacturing Company."

Company may hold real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for "The Schooley's Mountain Manufacturing Company" to purchase such real estate as the directors of said company may deem expedient, and to build thereon suitable houses for the accommodation of the public and persons in their employ; and for the purposes of this act, and the act to which this is a supplement, they shall have power to raise by subscription, in the manner prescribed by said act, the sum of one hundred and fifty thousand dollars, to be divided into shares of ten dollars each, in lieu of shares of one hundred dollars each, as required by their original act of incorporation.

Approved February 5, 1853.

CHAPTER XXVI.

AN ACT to repeal a part of the charter of the Paterson and Hamburg Turnpike Company.

Preamble.

WHEREAS, the Paterson and Hamburg Turnpike Company, by virtue of their charter, did lay out, construct, and build a turnpike road through the county of Sussex; and whereas, in consequence of the diversion of travel off the said road, the tolls collected thereon of late years have become entirely insufficient to keep the said road in repair, and the company have therefore abandoned the same; and whereas, in consequence of such abandonment, the bridges and road have become almost impassable, and no way is provided for keeping the same in repair; and whereas, both the company and the public have petitioned the legislature for relief; therefore,

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the charter of the Paterson and Hamburg Turnpike Company as authorizes the building of a turnpike road through the county of Sussex from where the stream of water crosses said road at the foot of the Hamburg mountain, thence on to the termination of said road, near the Delaware river, be and the same is hereby repealed.

Part of road to be public highway.

2. *And be it enacted*, That all that part of the said turnpike road lying in the county of Sussex from where the stream of water crosses said road at the foot of the Hamburg mountain, thence on to the termination of said road, near the Delaware river, shall hereafter be deemed and taken as a public highway, and shall be worked, maintained, and kept in order in the same manner as other highways are worked, maintained and kept in order in this state.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1853.

CHAPTER XXVII.

AN ACT to incorporate the Paterson Car Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Derrom, Joseph N. Taylor, John J. Brown, Philip Rafferty, and Sherman Jaqua, or the survivor or survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby declared a body corporate and politic, in fact and in name, by the name of "The Paterson Car Manufacturing Company," for the purpose of manufacturing railroad cars, carriages, omnibusses, coaches, and other wheeled vehicles, in the city of Paterson, in the county of Passaic, and carrying on the business incident to such manufacture.

Annual election of directors.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Monday in January, in every year, at such time and place as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers published in said county, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled in person, or by power of attorney, to as many votes as he shall hold shares of the capital stock of the said company; and any person having the greatest number of votes, being a stockholder, shall be director; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen shall appoint clerks and superintendents and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same

shall be done, and if it shall at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being or a majority of them shall appoint, and until other directors are chosen from the stockholders, and the first directors shall be Andrew Derrom, John J. Brown, Joseph N. Taylor, Philip Rafferty and Sherman Jaqua, and the survivor or survivors of them, who shall hold their office until the first Monday in January, A. D. eighteen hundred and fifty-four, and until others are legally chosen.

Vacancies.

Present directors.

3. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, which shall be divided into shares of fifty dollars each, but as soon as the sum of fifteen thousand dollars of said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations, and it shall be lawful for the directors of said company to call and demand from the said stockholders all sums of money by them subscribed, at such time and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payments shall not be made in thirty days after notice shall have been published for thirty days in one or more newspapers published in said county of Passaic.

Amount of capital stock.

4. *And be it enacted*, That the subscription for the said stock shall be open for any number of days not exceeding twenty, at Congress Hall, in the city of Paterson, in the county of Passaic, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose; and the said directors shall give due notice of the opening of said books for the subscription of the capital stock of said company, for three weeks, by publishing the same in some one or more papers published in said county of Passaic.

Books of subscription to be opened.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation, of whatsoever name or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends shall be made to and among the stockholders, except from out of the net profits of said corporation.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Directors to make by-laws, &c.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have full power to ordain, establish and put into execution such by-laws, ordinances, and regulations, as shall be necessary and convenient for the government, management and disposition of the stock, effects, profits and concerns of said corporation; *provided*, that the same are not contrary to the constitution of the United States or of this state.

Proviso.

Books of accounts to be kept.

8. *And be it enacted*, That the directors of said corporation shall at all times keep, or cause to be kept, proper books of accounts, in which shall be entered all transactions of said corporation, which books shall at all times be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorneys, and further that no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be kept by the president and directors for that purpose.

Company may be dissolved.

9. *And be it enacted*, That said company may be dissolved at any general meeting of the stockholders specially convened for that purpose; *provided*, at least three-fourths in the amount of value of the stockholders shall be present and represented therein, and shall vote in favor of such dissolution, and upon such dissolution the directors for the time being, or the survivor or survivors of them, shall be trustees for the purpose of settling all the affairs of said corporation, disposing of its ef-

Proviso.

fects, recovering and paying its debts and dividing the surplus among the stockholders in proportion to their respective shares or interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for that purpose; in which case the persons so appointed, and the survivor or survivors of them shall be trustees for the purpose aforesaid.

10. *And be it enacted*, That this act shall continue in force for a period of thirty years, and shall take effect immediately. Limitation.

Passed February 9, 1853.

CHAPTER XXVIII.

AN ACT to incorporate the "Cape Island Gas Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph M. Thomas, W. F. Fotteral, Jacob Steiner, Joseph McMakin, William D. Parrish, Albert H. Ludlum, Abraham Rex, Chaulkley Good, Joseph Ware, S. S. Marcy, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Cape Island Gas Company," and by said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situate within the limits of Cape Island and its vicinity, and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corpora- Names of corporators. Objects of incorporation.

tion to acquire and hold for the purpose of securing debts due or owing to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned, and no private lands shall be in any way injured or defaced, without permission in writing first obtained from the owner or owners thereof.

Proviso.

Company authorized to lay down pipes, &c.

2. *And be it enacted*, That so long as this act shall continue in force, the said corporation shall have power to lay down gas pipes, and to erect gas posts, burners, and reflectors, in the streets, roads, lanes, and public grounds of the city of Cape Island and its vicinity, and the said company shall have power to do all things necessary to light the said city and vicinity, and the dwellings, stores, factories, hotels, and other places situate therein; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, roads, lanes, and public grounds shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Chalkley Good, Philip P. Dirby, William D. Parrish, Downs Edmunds, Jr., Samuel S. Marcy, are hereby appointed commissioners for receiving subscriptions for the sum of seventy-five thousand dollars, to constitute the capital stock of said corporation, in shares of one hundred dollars each; and said commissioners, or any two of them shall open a book or books for that purpose, at such time, and in such place or places, within this state, as they shall designate, by a public advertisement, to be previously inserted, for at least one week, in a public newspaper printed nearest said Cape Island, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open one day, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five dollars upon each share so subscribed shall be paid by each subscriber, at the time of subscription, to the said commissioners, or such of them as may open said subscription book or books, and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the

amount so received at the time of said subscription, shall be by the commissioners receiving the same, paid over to the directors of said company, to be appointed as hereinafter directed; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of seventy-five thousand dollars; and they shall have the right to increase said capital stock from time to time as they deem expedient; *provided*, that the whole capital stock shall not at any time exceed the sum of one hundred and fifty thousand dollars, and that no increase of said capital stock be permitted unless the stockholders holding a majority of the stock already subscribed shall first give their written consent thereto; and they are also authorized to call upon said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid. Proviso.

4. *And be it enacted*, That said company shall have power to borrow money not exceeding thirty thousand dollars, and mortgage the said works, appurtenances, franchises and privileges, and make and execute other assurances, to secure the payment of said sum or sums of money so borrowed, and interest thereon. Company authorized to borrow money.

5. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors, to be selected from the stockholders, and the said directors shall choose by plurality of votes a president from among themselves, and as soon as conveniently may be after thirty thousand dollars shall have been subscribed, the before named commissioners, or any three of them, shall convene the said stockholders by public notice, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the first Monday in July next thereafter, and until their successors shall be chosen; and there shall be an annual election of directors by the stockholders, on the first Monday of July of every year thereafter, at such time and Annual election of directors.

place as the board of directors for the time being shall appoint, of the time and place of holding which election, at least ten days' public notice shall be given in a newspaper published nearest the city of Cape Island; and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next annual election, and all elections of directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting; and the board of directors for the time being shall have power to take from any treasurer, secretary or other officers or agents appointed by them, such security for the faithful performance of their respective duties as they may think proper.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That if at any time an election of directors be not held on the day herein appointed for that purpose, the corporation shall not be dissolved for that cause, but an election shall be held thereafter, at such time and place as the directors by their by-laws or other mode may appoint.

Quorum.

7. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business; but any less number thereof may have power to adjourn.

Stock transferable.

8. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered as personal property; and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or any other thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or

Proviso.

both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby

authorized to be brought for any such injury aforesaid, by and in the name of the said corporation, in any court having cognizance of the same.

Books of accounts to be kept.

10. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which book shall at all times be open for the inspection of the stockholders.

Limitation.

11. *And be it enacted*, That this act shall continue in force for twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved February 9, 1853.

CHAPTER XXIX.

AN ACT to incorporate the Bordentown Female College.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the literary institution heretofore established and conducted by the individual effort and enterprise of John H. Brakeley, in the borough of Bordentown, in the county of Burlington, and state aforesaid, by the name of the Bordentown Female Institute, shall hereafter be known by the title of the Bordentown Female College of Bordentown, New Jersey.

President and board of council, their powers and duties.

2. *And be it enacted*, That the president and board of council of said college hereinafter named, shall consist of not more than twelve nor less than eight persons; the said president and board of council shall be and they are hereby constituted and created a body politic and corporate in law and in fact, under

the style of "The President and Board of Council of the Bordentown Female College, of Bordentown, New Jersey," and as such they shall be and are hereby invested with all the powers and privileges of a corporation for the permanent establishment of said college, to promote the moral and literary education of females; they may have a corporate seal, may receive and hold in trust for the said college, by purchase, devise, bequest or gift, any property or estate, real, personal or mixed; *provided*, the yearly income of said estate shall not exceed five thousand dollars; it shall be the duty of the board of council to watch over the college as its constitutional guardians, to advise with the faculty in relation to its government, the course of study, manner of teaching, conferring degrees, and in whatever else may promote the welfare of the institution and the interests of the students; it shall be their duty also to visit the college from time to time, and attend the annual examinations; there shall be a stated annual meeting of the board at each annual examination or commencement, and notice of the time and place of such meeting shall be given to each member of the board by the president of the college, or some member of the faculty, or mailed with proper directions, at least ten days prior to the time of meeting; the president of the board shall call a special meeting, whenever in his judgment, and in the judgment of the president of the college, the interests of the institution require it; five shall constitute a quorum; if any member of the board be absent three stated meetings thereof, the board shall have discretion to declare his place vacant, and elect a successor; the president of the college shall be ex-officio, a member of the board,

Proviso.

3. *And be it enacted*, That the said corporation hereby created, shall have and maintain a succession in the following manner, viz: in case of the death, removal, or resignation of the president of the said college hereinafter appointed, or in case of his otherwise ceasing to act and serve the college as president aforesaid, his place shall be supplied by the board of council at a special meeting, to be called by the president of the board for that purpose; the board of council shall have power to supply any vacancy or vacancies that may occur in that body at any stated meeting.

Vacancies, how supplied.

4. *And be it enacted*, That John H. Brakeley aforesaid, be and he is hereby constituted and appointed president of the college aforesaid, and George F. Fort, Joseph W. Allen, Whitall Stokes, Samuel T. Locke, Joseph Norris, Francis D. Miller, Mahlon Hutchinson, Joseph Parrish, Colson Heiskell, Thomas W. Middleton, Henry Cole and James Rodgers, be and they are hereby constituted a board of council of the said female college; they shall meet at the institute or college in Bordentown, on the last Thursday of March next, at three o'clock, P. M., when or at an adjourned meeting, as soon as may be thereafter, the board shall be organized by an election from its body of a president, secretary and treasurer; the treasurer shall give bond and security to the satisfaction of the board, for the faithful discharge of all the duties of his office and may receive such compensation as they shall judge reasonable and proper; said organization together with the acceptance of this act, shall be published in the principal papers of Trenton, on or before the fourth day of July next. Officers of college.

5. *And be it enacted*, That there shall be a faculty of said college to be composed of the president of the college aforesaid, and the professors and teachers it may be deemed expedient to employ; the faculty shall have the care, government and instruction of the students, and with the advice of the board may confer degrees and give diplomas; the president hereby appointed having originally established the institute by his individual enterprise, being the present proprietor and sustaining the pecuniary liabilities, may, while he shall continue under said liabilities, appoint the other members of the faculty; but if by public benevolence, private gift or otherwise, the board shall be enabled with the funds of the institution, to assume and discharge said liabilities, and to purchase and hold in trust as aforesaid, the estate, buildings, furniture, premises and appurtenances thereunto belonging, and pay the expenses and losses incurred by the present proprietor in establishing the institute aforesaid, he being willing to dispose of his right and title therein, and said discharges and purchase being duly made and acknowledged, then and thereafter the members of the faculty, the president excepted, shall be removed and appointed with the consent and concurrence of the board; and the pre- Powers and duties of officers.

sident shall be liable to impeachment, and may be removed by the consent of two-thirds of the board of council holding the rights of property as aforesaid; and in case of the death, resignation or removal of the president hereby appointed, and the appointment of a successor, according to this act, the liabilities aforesaid shall be discharged or assumed by the said successor, and the rights and property specified in this section, and all other rights of property and privileges in or about the premises aforesaid, belonging to the said president, including a just and equitable compensation for the labor and loss of establishing the institute aforesaid, shall be recognized as the property, rights and claims of the predecessor, and as such contracted for and purchased by the successor aforesaid, in which case the said successor shall have the same powers and privileges of his predecessor in like circumstances.

Limitation.

6. *And be it enacted*, That this act shall continue in force for twenty years, unless the same is altered or annulled by the legislature.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1853.

CHAPTER XXX.

AN ACT to incorporate the Chingarora Hall Association, of Keyport, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph D. Hoff, Richard B. Walling, Jonas Clark, Eusebius Walling, Lewis Morris, Peter Metsgor, and Alfred Walling, and their successors, and all persons who may become associated with them, be and they are hereby ordained, constituted and declared a body politic

and corporate, in fact and in law, by the name, style and title of "The Chingarora Hall Association, of Keyport, New Jersey," and shall be able and capable in law to take and hold by purchase, gift, or devise, any real estate in said Keyport, not exceeding five acres, and to erect thereon a building or hall, suitable for public meetings therein and for other public purposes, and to grant, sell, or lease the same, and to mortgage the same for any sum not exceeding five thousand dollars.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said association shall be five thousand dollars, divided into shares of twenty-five dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such instalments, and upon such notice as said association may by their by-laws or otherwise direct or appoint; and in case of failure by any stockholder to pay his or her instalments as directed by said by-laws, such stockholders shall incur a forfeiture of his or her shares, and all previous payments made thereon, for the use of the association.

Stock transferable.

3. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of said association shall direct, and that every share of stock shall be entitled to one vote by the holder thereof in person or by proxy.

Election of trustees.

4. *And be it enacted*, That the government of said association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time, and in such manner as the said association shall by its by-laws provide, not to be less than five in number, who shall at their first meeting after their election, in each year, select from among themselves a president, secretary and treasurer.

First trustees.

5. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees, and shall serve until the first election of trustees by said association.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1853.

CHAPTER XXXI.

AN ACT to incorporate the Woodbury and Cross Keys Turnpike Company.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "The Woodbury and Cross Keys Turnpike Company;" and that William C. Sparks, William Stevenson, William W. Clark, Thomas J. Heritage, Joseph J. Heritage, Thomas W. Hurff, Isaac C. Stevenson, Jonathan C. Dilkes, John W. Down, Benjamin C. Tatem, George M. Paul, Augustus S. Barber, John C. Smallwood, William R. Tatum, John M. Saunders, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in "The Constitution," a newspaper printed and published at Woodbury, in the county of Gloucester, and in one of the newspapers published in the city of Camden.

Commissioners to receive subscription.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing it to any sum not exceeding thirty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed; and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares

of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided,* that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment. Proviso.

3. *And be it enacted,* That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when three hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, seven directors, for the term of one year, and until others are chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect by ballot seven directors, to hold as aforesaid; and the judge of said election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person or by proxy; and that if three hundred shares of said stock shall not be subscribed for within one year, and the said road be completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers or their representatives, the residue of the money paid by them, in proportion to the sums paid. Annual election of directors.

4. *And be it enacted,* That as soon as conveniently may be after the first and every subsequent annual election of directors, Officers of corporation.

they shall elect a president, secretary, and treasurer of said company, for the term of one year, and until others shall be elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence the said board shall appoint some one of their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during said term.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from Woodbury, in the county of Gloucester, by way of Hurffville to the Cross Keys Tavern, in the county of Camden, along or near the following route, viz: Beginning in the middle of German street, in Woodbury, where it intersects with the main street, and from thence running along German street to the Glassborough road; thence along the Glassborough road, passing Dilkes' mill, to a suitable point in said road north of Joseph J. Heritage's house; thence the most eligible route to Heritage's lane; thence along the same, through Hurffville, and along the new road till it intersects the Egg Harbor road; and thence along the same to the Cross Keys Tavern; which said turnpike road shall be at least thirty-two feet in width, and not exceeding four rods, and shall be sufficiently arched and drained to make and keep the same dry; and at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even

road, at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of three degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges, along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time, and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the said owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, or gravel, from his lands for the construction or maintaining of said turnpike road. Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands, contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands, as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, or clay, therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and Proceedings in case company and owners cannot agree. Proviso.

the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises, (except for the purpose of surveying said route,) unless the consent of the owner or owners of such land, or their legal representatives be first had and obtained; and if the owners of the land or materials as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Gloucester or Camden, as the said land may lie in Gloucester or Camden, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, to appoint three disinterested commissioners, freeholders of this state, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal; who shall before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county in which the land lies, to be by him filed as a public record, and certified copies thereof may be taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Gloucester or of Camden, as the case may be, at the first term to be holden after such decision, if sufficient time for that purpose remain from the rendition of such decision, and if not, to the second term of said court, by proceeding in the form of petition to the said court, giving at least five days' notice in writing to the opposite party of such appeal; which appeal shall vest in the said court full right and power to hear and adjudge the same, and if required they shall award a venire in

the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or jury shall award or find a greater sum than the commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be for the same; but if the said appeal be made by the owner or owners of the land, and the said court or jury shall not award or find a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found or awarded with costs, if any, the said company may enter upon and remove all such earth and other materials as have been valued and appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report so made in behalf of any such persons, into the circuit court of the county of Gloucester or of Camden, or to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceeding shall be at the proper costs and charges of the said company, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, according to the directions, true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling each mile of the said road, not exceeding the following rates, to wit: Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider,	one cent.
For every dozen of calves, sheep or hogs,	five mills.
For every led horse or mule,	five mills.
For every dozen of horses, mules or cattle,	two cents.

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship, on the Sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones or posts to be erected.

9. *And be it enacted*, That before the said company shall receive toll for traveling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked, the distance the said stone or post is from Woodbury and Cross Keys; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break down, or deface any of the mile stones or posts so erected on the said road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll

at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of debt or other proper action by the said company, for the recovery of damages for the same, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, shall turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay, or hinder any traveler passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unnecessarily hindered or defrauded.

Penalty for obstructing travelers.

12. *And be it enacted*, That all drivers of carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges which now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county in which such bridge or road is situated, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any

two townships, either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road and bridge so complained of, and report to the said judge in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept in; and if the report be unfavorable to the said turnpike road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view said turnpike road or bridge, and report as aforesaid their opinion to the said judge, who shall, if authorized by the report of said persons or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fee shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

When act to take effect.

14. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike is au-

thorized to be located and made, are vacated as public highways, according to law; *provided always*, that whenever the said company shall have completed any four consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates.

15. *And be it enacted*, That the said corporation shall possess the several powers and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Restrictions and liabilities.

Approved February 9, 1853.

CHAPTER XXXII.

AN ACT to incorporate the Boonton Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dudley B. Fuller, James Brown, James Couper Lord, William G. Lathrop, and George Fuller, or the survivors or survivor of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be, and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Boonton Iron Company," for the purpose of manufacturing nails, and of mining and manufacturing the ores of iron and other metals, and all manufactures of iron and other metals; such company to locate their nail works at Boonton, in the county of Morris. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with power to increase Amount of capital stock.

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the same to one million of dollars, and shall be divided into shares of one hundred dollars each; and it shall be lawful for said company, when two hundred thousand dollars capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published, for at least thirty days, in one or more newspapers published in the said county of Morris.

Annual election of directors.

3. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year from the first Tuesday of June in every year, and that the said directors shall be chosen on the last Tuesday in May in every year, at such time and place as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers, printed in this state, nearest the place where such elections shall be made, by such stockholders as shall attend for that purpose, either in person or by proxy; and these elections shall be by ballot; and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and if it should happen, at any election for directors, that two or more persons shall have an equal number of votes, in such manner that a less number than five shall by a plurality of votes appear to be chosen as directors, then the said stockholders, hereinbefore authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes

shall be director or directors, so as to complete the whole number of five; and the said directors so chosen shall elect one out of their number to be president, and shall also appoint clerks and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when such election and said appointments take place; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, such vacancy or vacancies shall be filled by such person or persons as the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Dudley B. Fuller, James Brown, James Couper Lord, William G. Lathrop, and George Fuller, and the survivors or survivor of them, who shall hold their offices until the first Tuesday of June, eighteen hundred and fifty-four, and until others are legally chosen.

Vacancies.

First directors.

4. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of the said company; *provided*, that no dividend shall be made to and among the stockholders, except from and out of the profits of the said corporation.

Stock transferable.

Proviso.

5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Directors to make by-laws

Proviso.

Books of account to be kept.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said company.

Transfers.

8. *And be it enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Liabilities.

9. *And be it enacted*, That this act shall continue in force for a period of thirty years, and shall take effect immediately.

Passed, February 11, 1853.

CHAPTER XXXIII.

An additional supplement to the act entitled "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two.

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the New Jersey Railroad and Transportation Company, be and the same is hereby increased five hundred thousand dollars, to enable the company to widen and straighten their railroad route or cut through Bergen Hill, to extend their road by elevated or additional tracks or otherwise, and to construct and enlarge their bridges, depots, car and engine houses, and other improvements on their road, and at the Hudson river, with the possession of property and other privileges as may be necessary for furnishing ample accommodations for the transportation and ferriage of passengers and merchandize, and to give full facilities to the increasing business of the several railroad companies, passing

and to pass by this route to and from the city of New York.

2. *And be it enacted*, That it shall and may be lawful for the New Jersey Railroad and Transportation Company, to allot rateably among the stockholders of said company all additional stock, in proportion to the number of shares held by them respectively, and in like manner to apportion in shares, so much of their earnings, as may be deemed expedient, as may from time to time have been expended in the construction of increased accommodations on their road, and that the same shall be part of the capital stock of said corporation, divided into shares of fifty dollars each, held and transferred in the same manner, entitled to the same privileges and benefits, and subject to the same annual tax, as the capital stock created by the act to which this is a supplement, is now or may hereafter be subject to; *provided always*, that nothing in this act contained shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the act to which this is a supplement, except only so as to increase the capital stock of said company, and for the purposes aforesaid.

Additional stock to be allotted among stockholders.

Proviso.

3. *And be it enacted*, That this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to and as part of the charter of said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of state, a certified copy of which acceptance, the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent, and plenary evidence of such acceptance.

Company to certify acceptance.

Approved February 16, 1853.

CHAPTER XXXIV.

AN ACT to authorize the directors of the Belvidere Delaware Railroad Company, and of the Flemington Railroad and Transportation Company, out of the nett earnings of the said companies, to make and declare the same dividends to the stockholders.

Preamble. WHEREAS, the Flemington Railroad and Transportation Company will connect their road with the Belvidere Delaware Railroad, at some point above the village of Lambertville, and will be a feeder to the said Belvidere Delaware Railroad, and must necessarily run in connection with their trains of cars, and their accounts be blended together; therefore,

Company may make dividends. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Belvidere Delaware Railroad Company, and of the Flemington Railroad and Transportation Company be and they are hereby authorized, out of the nett earnings of both of the said railroads, to make, declare and pay the same or like dividends upon each and every share of the capital stock of the said two railroad companies, to the several stockholders of the said companies, according to the number of shares by them respectively held; *provided*, that before the said compact be entered into by the directors of the said companies, the assent of stockholders of the said two companies, representing two-thirds of the shares of the capital stock of said companies, be first had and obtained at meetings to be called by the directors of the said two companies for that purpose.

Proviso.

Approved February 16, 1853.

CHAPTER XXXV.

AN ACT to set off from the township of Bethlehem, in the county of Hunterdon, a new township, to be called the township of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Bethlehem, in the county of Hunterdon, lying within the following boundaries, to wit: Beginning at the turn in the road above the lime kiln belonging to Jonathan Robbins, on a line between the townships of Bethlehem and Alexandria, and from thence running in an easterly direction to the Methodist Episcopal Church, at the mine hole; and from thence in nearly the same direction to a point on the Spruce run, at or near the mouth of the creek, nearly opposite Thomas Banghart's house, on a line between Bethlehem and Lebanon townships, and lying southerly of the said boundaries, upon the townships of Clinton, Franklin and Alexandria, shall be and hereby is set off from the township of Bethlehem, in the county of Hunterdon, and made a separate township, to be known by the name of "the township of Union." Boundaries of townships.

2. *And be it enacted*, That the inhabitants of the township of Union shall be and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Union, in the county of Hunterdon," and vested with and entitled to all the powers, privileges, authorities and advantages, and subject to all the like regulations and government as other townships of this state. Inhabitants incorporated.

3. *And be it enacted*, That the inhabitants of the said township of Union shall hold their first town meeting at the inn now kept by Henry Rockafellow, in Perryville, in the said township of Union, on the day appointed by law for holding the annual town meeting in the other townships of the county of Hunterdon. First town meeting of Union.

4. *And be it enacted*, That the inhabitants of the said township of Bethlehem shall hold their first town meeting at the inn First town meeting of Bethlehem.

now kept by John Seagreaves, in the said township, on the day appointed by law for holding the annual town meetings in the other townships of the county of Hunterdon.

Township committees to allot and divide property.

5. *And be it enacted*, That the township committees of Bethlehem and Union shall meet on the first Saturday next after the annual town meeting, at ten o'clock in the forenoon, at the inn now kept by John Seagreaves, in the township of Bethlehem, and shall then and there proceed by writing to be signed by a majority of those present, to allot and divide between the said townships, all the property and money on hand or due, in proportion to the taxable property and rateables as valued and assessed by the assessor within the respective limits of said township at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Union shall be liable to pay its just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision or the decision of a majority of them, shall be final and conclusive.

Settlement of paupers.

6. *And be it enacted*, That all paupers who may be chargeable to the said township of Bethlehem at the time this act goes into operation, shall thereafter be chargeable to and supported by that township, within the bounds of which they acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements.

Inhabitants when to vote.

7. *And be it enacted*, That all persons residing within the limits of the said township of Union who would have been entitled to vote at the next annual town meeting of the township of Bethlehem, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Union.

Commissioners to survey line.

8. *And be it enacted*, That George W. A. C. Lundy, Thomas Exton and Andrew Vansickle, or any two of them, be and they are hereby appointed commissioners to run, survey, ascertain and mark the said line; and that they or any two of them shall, on or before the first day of April next, execute and discharge the duties of this appointment in the like manner, in all respects,

as if they had been appointed by the court of common pleas of the said county of Hunterdon, on the application of the board of chosen freeholders, except only that it shall not be necessary for the said commissioners to give notice of the time and place of meeting to perform the duties of their appointment; and that the charges and expenses of the said commissioners shall be taxed and paid in like manner as if they had been appointed by the said court.

9. *And be it enacted*, That this act shall take effect immediately after the passage thereof. Act when to take effect.

Approved February 17, 1853.

CHAPTER XXXVI.

AN ACT to incorporate the New Egypt and Newtown Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel H. Horner, Richard H. Conover, John Collier, Bennington Gill, George Ford, William I. Brown, and J. C. Voorhees, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The New Egypt and Newtown Railroad Company." Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books, to receive subscriptions to the capital stock of said corporation, at Commissioners to receive subscriptions.

such time or times, and place or places, within the counties of Monmouth, Ocean and Mercer, as they or a majority of them may think proper, giving twenty days' notice of the same in two of the newspapers published in the county of Monmouth, and two published in the county of Mercer, and that at the time of subscribing, ten per centum shall be paid, upon each share subscribed for, to the commissioners, or some one of them; and as soon as one-half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, who shall be resident of this state; and in case of the death, resignation, or removal, of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

4. *And be it enacted*, That in case it should not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on notice as aforesaid, and the directors for the time being

Corporation not dissolved for failure to elect on day prescribed.

shall continue to hold their office until others have been chosen in their places.

Duties and powers of directors.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days' previous notice in two of the newspapers of the county of Monmouth, and in the county of Mercer; *provided*, that no instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments or any of them, they shall have full power to forfeit such share or shares upon which said default shall arise, to and for the use of the said company.

Proviso.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out and construct, a railroad from some suitable point at or near the village of New Egypt, in the county of Ocean, through or near Allentown, in the county of Monmouth, and intersecting the Camden and Amboy railroad, at or near Newtown, in the county of Mercer, not exceeding one hundred feet wide, with as many sets of tracks and rails as they deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other

things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made, and if said owner of such land shall not see fit to receive such award, the amount of said award shall be paid into the court of said county, before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners, hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, resident in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, (having first taken an oath or affirmation before some person duly authorized to administer

the same, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing of the fencing on the line of the route of said road, through any improved lands through which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointments, oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein; which report or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid, by the company.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case the said company or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of pe-

tition to the said court, which proceeding shall vest in said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said company shall have offered or the said commissioners awarded, then said costs to be paid by the said applicant or applicants and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the said commissioners, as the value of such lands and damages, in case the report of the commissioners is not appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of an appeal, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a legal and valid payment and further, that the party or parties entitled to receive the amount

Proviso.

assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Company to construct and repair bridges.

9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad, and shall construct and maintain good and sufficient fences on both sides of said road throughout its entire length, and shall also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on the said railroad.

Rates for carriage and transportation

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of three cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than six cents per ton per mile for the transportation of every species of property on said road, in the carriages of said company, or two cents per mile per ton for property, nor shall more than half of the above rate be charged for carrying any fertilizing materials, or two cents per mile for each passenger carried on said road in the carriages of others, and two cents per mile for each empty carriage; and that the road authorized by this act, shall be and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of

Proviso.

Proviso. the tolls prescribed by this act; *provided always*, that the said carriages so used thereon, shall be of the same description in the formation of wheels and length of axles, as those used by the company, and shall be regulated as to the time of starting and rates of traveling, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance

Proviso. of the charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which said road shall pass, shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be by the said company removed and disposed of, to and for the use of the said corporation, within one year from the time the property will vest in the original owner.

Company to declare dividends. 11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company, or their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

What real estate may be held. 12. *And be it enacted*, That the said company may have, and hold real estate, at or near the commencement and termination of the said road, or at any other point on the line of said road, where the directors may think proper to establish a depot, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of

their property and other necessary uses appertaining to their business.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, machinery or other works of said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered, in the name of the said corporation, with costs of suit, in any court having cognizance of the same. Penalty for injuring works.

14. *And be it enacted*, That as soon as the said railroad, and its appendages, shall be finished so as to be used, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall under oath or affirmation, make a statement to the legislature of this state, of the proceeds and expenses of said road, and whenever the nett proceeds of said road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday of January in each year, to be added to the school fund of this state; *provided*, that no other tax or impost whatever shall be levied or assessed upon the said company. Statement of cost to be filed. Proviso.

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said railroad, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state, for the time being, the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after their said appointment, by the said chief justice, then the said three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed State may take road on payment of appraisement.

as aforesaid, and cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, and thereupon the state shall have the privilege for two years, of taking said road, upon the payment to the company of the amount of said appraisement, within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property, and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof.

Proviso.

Time of commencement and completion of road.

16. *And be it enacted*, That if the said railroad shall not be commenced within two, and completed and in use within five years, from the fourth day of July next, ensuing, that then and in that case this act shall be void.

Public act.

17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such, in all courts and places whatsoever.

Certain officers to pass free.

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney general, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

19. *And be it enacted*, That this act shall go into effect immediately.

Approved February 17, 1853.

CHAPTER XXXVII.

AN ACT to incorporate the "Fairmount Fire Company, of Camden," instituted July fourth, eighteen hundred and fifty-one.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Figner, president; William J. Miller, secretary; George W. Watson, Frederick W. Breyer, Anthony R. Joline, Thomas Francis, Henry H. Breyer, William H. Hawkins, John L. Ames, George W. Howard, William F. Colbert, Francis Fullerton, Alfred H. Breyer, John S. Ross, William H. Lane, Joshua Spencer and Lawrence Breyer, and all persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Fairmount Fire Company, of Camden, be and they are hereby constituted and declared to be a body corporate, in fact and in law, by the name of "The Fairmount Fire Company, of Camden," instituted July fourth, eighteen hundred and fifty-one.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of fifteen thousand dollars, which shall be applied to procuring, maintaining and repairing such fire engine, hose carriage, hose, ladders, buckets, fire hooks, engine house and such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Election of officers.

3. *And be it enacted*, That the said company shall have power to elect annually or oftener, if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to the constitution and by-laws, and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor, and in their corporate name, may institute suits for the recovery of all fines, debts and arrearages due the said company.

Act may be amended, &c.

4. *And be it enacted*, That it shall and may be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend, modify or repeal this act, as they shall think proper,

Approved February 17, 1853.

CHAPTER XXXVIII.

AN ACT to incorporate the Rocky Hill Railroad and Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Vanderveer, David H. Mount, Thomas J. Skillman and Samuel Brearley, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Rocky Hill Railroad and Transportation Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to one hundred thousand, which shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, within the counties of Somerset and Middlesex, as they or a majority of them, may think proper, giving twenty days' notice of the same in one of the newspapers published in Somerset, and one in the county of Middlesex, and that at the time of subscribing, ten per centum shall be paid, upon each share subscribed for, to the commissioners, or some one of them; and as soon as one-half

of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote: and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid, and the directors for the time being shall continue to hold their office until others have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days' previous notice

Duties and powers of directors.

in one of the newspapers printed in the county of Somerset and in the county of Middlesex; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company.

Proviso.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point at or near the village of Rocky Hill, in the county of Somerset, to the railroad running from Trenton to New Brunswick and intersecting the same at or near the depot at Kingston, not exceeding one hundred feet wide, with as many sets of tracks and rails as they deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made, and if said owner of such land shall not see fit to receive such award, the amount of said award shall be paid into the court of said county, before the said company, or any per-

Proviso.

son under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known in this state, or if unknown or out of this state to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, residents in the county in which the said lands in controversy lie, commissioners to examine and appraise said lands and assess the damages upon such notice, not less than twenty days to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain

by the said road, arising from the removing the fencing on the line of the route of said road, through any improved lands over which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they neglect or refuse to pay the same for twenty days after demand of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the said court shall, on application of either party and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid by the company.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case the said company or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands in controversy lie, at the first or second term after filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be

the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded, in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners awarded, then said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands, of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands and damages, (in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the isssue shall be tried;) but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of an appeal shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a legal and valid payment; and further that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same, without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the

Company to construct and repair bridges.

same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad, and shall construct and maintain good and sufficient fences on both sides of said road throughout its entire length, and shall also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on the said railroad.

Rates of carriage and transportation.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of three cents per mile for carrying each passenger; but no charge shall be required to be le s in the aggregate than ten cents, nor shall said company charge more than six cents per ton per mile for the transportation of every species of property on said road, in the carriages of the said company, nor shall more than half of the above rate be charged for carrying any fertilizing materials, or two cents per mile per ton for property, or two cents per mile for each passenger carried on said road in the carriages of others, and two cents per mile for each empty carriage; and that the road authorized by this act, shall be and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of axles, as those used by the company, and shall be regulated as to the time of starting and rates of t[illegible]ing, by the company, in the same manner as the carriages [illegible] the company are; and

Proviso.

Proviso.

the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time, for three successive years, then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass, shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be by the said company removed and disposed of, to and for the use of the said corporation, within one year from the time the property will vest in the original owner. Proviso.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the nett profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper. Company may declare dividends.

12. *And be it enacted*, That the said company may have and hold real estate, at or near the commencement and termination of the said road, or any other point on the line of said road, where the directors may think proper to establish a depot, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business. What real estate may be held.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road or any buildings, machinery or other works of said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such in- Penalty for injuring works.

jury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Annual statement to be made.

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road including all expenses, in the office of the secretary of state; and annually thereafter he shall under oath or affirmation, make a statement to the legislature of this state, of the proceeds and expenses of said road, and whenever the nett proceeds of said road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday of January in each year, to be added to the school fund of this state; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

State may take road on payment of appraisement.

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said railroad, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state, for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, or a majority of them, shall report as aforesaid; or in case said company shall neglect or refuse to appoint the said three persons, on their part for two months after their said appointment by the said chief justice, then the said three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, and thereupon the state shall have the privilege for two years of taking said road, upon the payment to the company of the amount of said appraisement, within one year after electing to take said road, which report

shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof. Proviso

16. *And be it enacted*, That if the said railroad shall not be commenced within two, and completed and in use within five years, from the fourth of July next, ensuing, that then and in that case this act shall be void. Commencement and completion of road.

17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such, in all courts and places whatsoever. Public act.

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney general, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company in their cars, free of charge.

19. *And be it enacted*, That this act shall go into effect immediately.

Approved February 17, 1853.

CHAPTER XXXIX.

AN ACT to authorize the inhabitants of Colt's Neck, in the county of Monmouth, to sell their free church and invest the proceeds thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Arthur Vandeveer, Thomas Sutphin, and Tunis Statesir, be commissioners to sell, at such Commissioners to sell church.

time and at such place as they or a majority of them may designate, the free church in the village of Colt's Neck, and appropriate the proceeds, upon a vote of a majority of the inhabitants of said village, to the erection of some protestant church of such denomination as such majority shall designate.

Proceeds to be invested.

2. *And be it enacted*, That upon the sale of the said free church, the commissioners shall invest the proceeds and re-invest the interest, until such time as a majority of the inhabitants of said village shall designate to what church the same shall be appropriated.

Vacancies how to be supplied.

3. *And be it enacted*, That in case of a vacancy or death of one or more of said commissioners, it shall be lawful for said vacancy by death or otherwise, to be supplied by a vote of the inhabitants of said village, upon ten days' notice from the survivor or survivors.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1853.

CHAPTER XL.

A supplement to an act entitled "An act to incorporate the Moorestown and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine.

Company authorized to construct road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Moorestown and Camden Turnpike Company, are hereby authorized and empowered to construct a turnpike road from the present beginning of their said road at the lower end of the village of Moorestown, to the upper end of said village, to the western terminus of the Mount Holly and Moorestown Turnpike road, in the county of Burlington, with the same rights and privileges and under the

same restrictions, as are provided in the act to which this is a supplement.

2. *And be it enacted*, That before this act shall take effect it shall be accepted by a majority in value of the stockholders, who shall attend a meeting thereof, to be held at the village of Moorestown, upon at least twenty days' notice of such meeting published in two of the newspapers printed in this state, and at such meeting each stockholder shall be entitled to one vote for every share of stock that he may hold, to be given in person or by proxy, and a certificate of such acceptance signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted. Certificate of acceptance to be filed.

Approved February 17, 1853.

CHAPTER XLI.

A supplement to the act entitled "An act to incorporate the Belleville Mutual Insurance Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Belleville Mutual Insurance Company, to demand and receive of and from all and every person or persons, who shall hereafter become a member of said company, by effecting insurance therein, and before he or they shall receive a policy of insurance, a part not exceeding twenty per cent. of the deposite note, (required by the act to which this is a supplement,) to be paid at the time of giving said deposite note. Company may receive part of deposite note.

2. *And be it enacted*, That so much of the act to which this is a supplement, as is inconsistent with this act, be and the same is hereby repealed. Part of former act repealed.

Approved February 17, 1853.

CHAPTER XLII.

A supplement to an act entitled "An act to incorporate the Hillsborough Mutual Fire Assurance Association, of the County of Somerset," passed March fourth, eighteen hundred and forty-four.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act incorporating "The Hillsborough Mutual Fire Assurance Association," as requires the election for directors of the said corporation to be held on the first Monday of February in every year, be and the same is hereby repealed.

Time of holding annual meetings.

2. *And be it enacted*, That the annual meeting of the said corporation for the election of directors and the transaction of the general business of the association, shall be held on the first Wednesday in June in every year.

Act when to take effect.

3. *And be it enacted*, That this act shall go into effect on the fourth of July next.

Approved February 17, 1853.

CHAPTER XLIII.

A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson, and to establish a new township in the said county, to be called the township of Hoboken," approved March first, eighteen hundred and forty-nine.

Powers and duties of township committees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Hoboken, in the county of Hudson, shall have power

and authority to make and enforce all ordinances necessary for grading, regulating, paving, curbing, guttering and making side and cross walks, and determining the width of the sidewalks in the several streets and public alleys now laid out, or hereafter to be laid out, in the township of Hoboken aforesaid, south of the northerly line of Fifth street, except only such and so many of said streets as are mentioned in a supplement to said act, approved March nineteenth, eighteen hundred and fifty-two, and that for the purpose aforesaid, the said township committee shall have all the powers and perform all the duties mentioned in and prescribed by the aforesaid supplement, subject to all the provisos therein contained, except that in all cases where a majority of persons assessed shall feel aggrieved by said assessment, the same shall be referred to a board of arbitrators, who shall be residents of the county of Hudson, and who shall be disinterested in said assessment, two of whom shall be appointed by the town committee, two by the parties assessed, and one to be chosen by the four so selected, whose award shall be final, and that the same lien shall be created upon the lots of land respectively that may face upon the streets or alleys aforesaid, upon which such improvements or any part thereof may be made as that mentioned in the fourth section of said supplement, and that the assessments for such improvements shall be made, confirmed and collected agreeable to the provisions of said supplement; and that the cost and expense of any of the said improvements made or to be made, facing on any of the public squares marked out on the original map of said town of Hoboken, shall be assessed proportionably upon all the land in said township; and that if any assessment now made or hereafter to be made, shall exceed in amount upon any one of said lots, a sum of money equal to the proportionate amount against such lot, upon such general assessment, the said committee be directed and required to reduce such assessment to such proportionate amount, and that said committee be required to refund to the person or persons entitled to the same, any sum or sums of money that may have been collected by them, upon any assessment for the improvements aforesaid, facing on said squares, over and above such proportionate amount, and that said township be made liable to pay the same

if not so refunded; so much of this section as relates to sidewalks, curbing and guttering shall not be construed as applying to public lanes and alleys.

Gas pipes may be laid down.

2. *And be it enacted*, That the inhabitants of the township aforesaid shall have power and authority at their annual town meetings to vote by ballot for such sum or sums of money as they may think proper, to be expended by the said township committee in the laying down of gas pipes, erecting gas posts, burners and reflectors in the streets of Hoboken, in said township, and for obtaining a sufficient supply of gas, and for all other purposes necessary for the lighting of said streets with gas; *provided*, that the public travel shall at no time be affected or impeded by the laying of such pipes or the erecting of said posts, and the streets, side and cross walks shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes, or the erecting of the said posts; and that the assessor and collector of said township shall be bound to assess, collect and pay over the sum or sums of money so voted to be raised for such purpose, in the same manner that taxes for township purposes are assessed and collected.

Proviso.

Removal of nuisances.

3. *And be it enacted*, That the overseer of the highways of said township of Hoboken, under the direction of the township committee of said township of Hoboken, upon the complaint in writing made before said committee by any inhabitant of said township, shall be authorized and required to remove any nuisance or obstruction from the streets and alleys of said town of Hoboken; *provided always*, that said overseers shall before the removal of any such nuisance or obstruction, give or cause to be left at the residence of the person or persons who may have caused the same, if he, she or they are to be found in such township, a notice in writing requiring the removal thereof within three days from the date of such notice, and if the same be not removed within the time mentioned in said notice, the person or persons who may have caused the same shall be liable to pay all necessary expenses to be incurred in the removal thereof, by such overseer, to be recovered in an action of debt, to be brought in the corporate name of said township, before any justice of the peace of said county of Hudson, with costs of suit.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1853.

CHAPTER XLIV.

A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

Chosen freeholders and assessors of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That two chosen freeholders and one assessor, shall be chosen in and for each ward in the city of Paterson, from the residents in such ward, at the annual city elections held in such ward; which chosen freeholders and assessor shall be invested with all the powers, and shall perform the same duties as chosen freeholders and assessors, in the several townships in the county of Passaic are invested with, and required to perform; and that said assessors shall perform all the duties required of city assessors, by the act to incorporate the city of Paterson; and said chosen freeholders and assessors shall be in lieu of the chosen freeholders and assessors directed to be elected by said act for said city.

Compensation.

2. *And be it enacted*, That the chosen freeholders of said county, who shall attend the meetings of the board of chosen freeholders of said county, shall each receive in addition to his per diem allowance, at the rate of four cents per mile, in going and returning from each meeting he attends; to be computed by the shortest route between his residence and place of meeting.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1853.

CHAPTER XLV.

A supplement to an act entitled "An act to incorporate the Jersey Little Falls Manufacturing Company," passed the fourteenth day of November, A. D. eighteen hundred and twenty-three.

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey Little Falls Manufacturing Company are hereby authorized and empowered to increase the number of shares of their capital stock to forty thousand shares, and that the nominal value of said shares shall be reduced to the sum of ten dollars each.

Company authorized to quarry stone.

2. *And be it enacted*, That the said company be and they are hereby authorized to quarry and dress stone, which may be upon the real estate belonging to said company.

Restrictions and liabilities.

3. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable thereto.

Part of former act repealed.

4. *And be it enacted*, That the second proviso of the fourth section of the act to which this is a supplement be and the same is hereby repealed.

Approved February 18, 1853.

CHAPTER XLVI.

AN ACT to authorize the "Union Presbyterian Church of Georgetown and Lambertville," to extend their church edifice over the lands left by Emanuel Coryell, deceased, for a burial ground, and to preserve the enclosure around the said burial ground.

WHEREAS, the wants of the congregation of the Union Presbyterian Church of Georgetown and Lambertville, in the town of Lambertville and county of Hunterdon, require a larger church edifice than that now used by them; and whereas, no other site so suitable can be obtained for that purpose; and whereas, the proposed enlarged edifice cannot be built upon the present site, without extending upon the land left by Emanuel Coryell, deceased, for a burial ground for his family; and whereas, if the said church edifice should be removed from its present location, the said burial ground will not be so well protected from neglect and desecration, as if the said church edifice should be rebuilt where it now is; now therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said congregation to extend or rebuild their church edifice, so far as may be requisite, over and upon the burial ground aforesaid. Congregation authorized to rebuild edifice.

2. *And be it enacted*, That it shall be the duty of the said congregation, forever to maintain a good and sufficient enclosure around the said burial ground at their own expense, so as to preserve the same from desecration. Enclosure to be maintained.

Approved February 18, 1853.

CHAPTER XLVII.

AN ACT to incorporate the New Egypt and Hightstown Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Rescarrick M. Smith, Jacob M. Taylor, Charles Allen, James S. Lawrence, Andrew J. Allen, Forman Hendrickson and Edwin A. Shreeve, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The New Egypt and Hightstown Railroad Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open the books, to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, within the counties of Ocean, Monmouth and Mercer, as they or a majority of them may think proper, giving twenty days' notice of the same in one of the newspapers published in each of the counties aforesaid, and that at the time of subscribing, ten per centum shall be paid, upon each share subscribed for, to the commissioners, or some one of them; and as soon as one-half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription

Election of directors.

books and money paid in, deducting therefrom a reasonable compensation for their own services, to the said directors; the time and place of holding the first meeting of said directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this state; and in case of the death, resignation, or removal, of the said president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in manner provided by law in those cases, on notice as aforesaid, and the directors for the time being shall continue to hold their office until others have been chosen in their places.

Payment of instalments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and they shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, giving thirty days' previous notice in one of the newspapers published in each of the aforesaid counties; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments or any one of them, they shall have full power to forfeit such share or shares upon which such default shall arise, to and for the use of said company.

Proviso.

Description of road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to sur-

vey, lay out and construct, a railroad from some suitable point at or near the village of New Egypt, in the county of Ocean, to some point on the Camden and Amboy Railroad, at or near the village of Hightstown, in the county of Mercer, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of said route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or the tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any

there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners, hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, resident in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid; and the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route of said road, through any improved lands over which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment, and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein; which report or a copy thereof, certified by the clerk of said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of

said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the said court shall, on the application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice, commissioners, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid, by the company.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case the said company or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find a less sum than the said company have offered or the said commissioners awarded, then the costs shall be paid by the applicant or applicants and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall

Proviso.

the said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners, as the value of such lands and damages; but in case the party or parties entitled to receive the amount assessed by the commissioners, shall refuse upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a legal and valid payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Company to construct and repair bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad, and shall construct and maintain good and sufficient fences on both sides of said road throughout its entire length, and shall also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on the said railroad.

Rates for carriage and transportation.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and every species of property whatsoever thereon, as they from

Proviso

time to time shall think reasonable and proper; *provided,* that they shall not charge more than at the rate of three cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents, nor shall the company charge more than six cents per ton per mile for the transportation of every species of property on said road, in the carriages of the said company, or two cents per mile per ton for property, nor shall more than half of the above rate be charged for carrying any fertilizing materials, or two cents per mile for each passenger carried on said road in the carriages of others, and two cents per mile for each empty carriage; and that the road authorized by this act, shall be and is hereby declared to be a public highway, and free for the passage of any railroad carriage thereon, with passengers or property,

Proviso.

upon payment of the tolls prescribed by this act; *provided always,* that all the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of axles, as those used by the company, and shall be regulated as to the time of starting and rates of traveling, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and

Proviso.

during the continuance of the charter; *provided always,* that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass, shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be by the said company removed and disposed of, to and for the use of the said corporation, within one year from the time the property will vest in the original owner.

11. *And be it enacted,* That the president and directors shall,

within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they deem prudent and proper. Semi-annual dividends.

12. *And be it enacted*, That the said company may purchase, have, and hold real estate, at or near the commencement and termination of the said road, or at any other point on the line of said road, where the directors think proper to establish a depot, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to the business. What real estate may be held.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, machinery or other works of said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered, in the name of such corporation, with costs of suit, in any court having cognizance of the same. Penalty for injuring works.

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file under oath or affirmation, a statement of the amount of cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall under oath or affirmation, make a statement to the legislature of this state, of the proceeds and expenses of said road; and whenever the nett proceeds of said road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company. Annual statement to be made. Tax to be paid. Proviso.

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of the said railroad, State may take road on payment of appraisement.

with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state, for the time being, the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment, by the said chief justice, then the said three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, and thereupon the state shall have the privilege for two years, of taking said road, upon payment to the company of the amount of said appraisement, within one year after electing to take said road, which report shall be filed in the office of the secretary of state, and the whole property, and interest of the said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of the said road, with the appendages thereof.

Proviso.

Time of commencement and completion of road.

16. *And be it enacted*, That if the said railroad shall not be commenced within two years, and completed within five years, from the fourth day of July next, ensuing, that then and in that case this act shall be void.

Certain officers to pass free.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney general, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved February 18, 1853.

CHAPTER XLVIII.

AN ACT to incorporate the Rahway Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Josephus Shann, Joseph C. Potts, Isaac Osborn, and Benjamin M. Price, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Rahway Gas Light Company," and by the said name, the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situated in Rahway; and to enter into and execute contracts, agreements or covenants in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Names of corporators.

Objects of incorporation.

Proviso.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues or public grounds of Rahway, and to do all things necessary to light the same, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of said pipes, or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes and avenues shall not be injured,

Company authorized to lay down pipes.

Proviso.

but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks in a public newspaper printed in Rahway, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion, close the same after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid, and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills in specie, by each subscriber, at the time of subscription, to the said commissioners or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of subscription shall, by them or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power and they are hereby authorized from time to time, under the foregoing regulations, if they deem an increase of capital necessary for the purposes of the company, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call on all subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors, to be selected

from the stockholders; and the said directors shall choose by plurality of votes, a president from among themselves; and as soon as conveniently may be after fifty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Monday in November thereafter; and the said directors and president shall hold their offices from the first Monday in November in every year, for one year, and shall be elected on the first Monday in November in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Rahway; and any vacancy in the said board of directors may be supplied by appointments to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held, in his, her or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws, at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or

injured, the persons or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of the state having cognizance of the same.

Proviso.

Books of account to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open to the inspection of the stockholders.

Restrictions and liabilities.

10. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved February 18, 1853.

CHAPTER XLIX.

AN ACT to repeal a supplement to an act entitled "An act to authorize the inhabitants of the township of Orange, in the county of Essex, and the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, to vote by ballot at their town meetings," approved March twenty-eighth, one thousand eight hundred and forty-five.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the aforesaid

act, extending the provisions thereof to the township of Bernards, in the county of Somerset, approved March the first, eighteen hundred and forty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1853.

CHAPTER L.

AN ACT to confirm the will of Sarah Ann Hill, deceased.

Preamble.

WHEREAS, Sarah Ann Hill, single woman, late of the township of Sparta, in the county of Sussex, and now deceased, did on the thirteenth day of January, eighteen hundred and fifty-two, make and execute in writing under her hand and seal, her last will and testament, and did appoint one Abraham Current executor thereof; and did thereby give and bequeath her wearing apparel unto her mother, Bathsheba Strader, wife of Jacob Strader, and did also give and bequeath unto the children of said Bathsheba Strader, then born and thereafter to be born, all the rest and residue of her estate of every kind; and whereas, also, the said Sarah Ann Hill, at the time of making said will, was under the age of twenty-one years, by reason whereof it is invalid; and whereas, said Sarah Ann Hill, by reason of her illegitimate birth, left no person legally entitled, as next of kin, to the personal estate of which she died possessed; and it appearing by satisfactory evidence that the said Sarah Ann Hill, at the time of her death, was not seized of any real estate, and that her personal estate will not, after payment of her debts and funeral and testamentary expenses, exceed five hundred dollars; and that the overseers of the poor of the said township

of Sparta have consented that the said will be confirmed; therefore,

Will confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said last will and testament of the said Sarah Ann Hill, deceased, be and the same is hereby in all things confirmed and declared to be as valid and effectual as if she had been of full age at the time of the execution thereof, and shall be so held and considered in all the courts, and by all the officers of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1853.

CHAPTER LI.

AN ACT to change the name of the Baptist Church of Amwell to the Baptist Church of Flemington, in the county of Hunterdon.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the religious society heretofore incorporated by the name and style of "Trustees of the Baptist Church in Amwell, in the county of Hunterdon and state of New Jersey," shall be hereafter known and distinguished by the corporate name and style of "The Trustees of the Baptist Church of Flemington, in the county of Hunterdon and state of New Jersey;" *provided*, that the rights of property of the said society shall in no wise be affected by the said change of name.

Approved February 22, 1853.

CHAPTER LII.

AN ACT to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, to the township of New Barbadoes, in the said county of Bergen.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, and all the benefits and provisions of said act, be and the same are hereby extended to the township of New Barbadoes, in the said county of Bergen.

Approved February 22, 1853.

CHAPTER LIII.

A further supplement to the act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen," passed November thirtieth, eighteen hundred and two.

Preamble.

WHEREAS, it is represented by the president, directors and stockholders of "The Bergen Turnpike Company" that they are desirous to re-construct their road in such manner that it shall have a dry, hard, and even surface at all seasons of the year, but that they are not possessed of sufficient means without an increase of capital stock, and it being reasonable

that the same should be increased; and whereas, it is represented that the original survey of said turnpike road as laid out by the commissioners appointed for that purpose, and the map thereof, have been lost or mislaid; and it is desirable there should be an authentic record of the routes of said road; therefore,

Amount of capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable "The Bergen Turnpike Company" to re-construct their road, and to face the same with plank, broken stone or such other hard substance, approved in the construction of turnpike roads, as said company shall deem proper, the capital stock of said company may be increased over and above what has already been subscribed and paid for, to the amount of thirty thousand dollars, ($30,000,) to be divided into shares of ten dollars each, and that subscriptions to the said new stock shall be opened and kept open, under the superintendence of the directors for the time being, or of a majority of them, or of a committee of directors, not less than three, to be appointed by the board of directors, and that all moneys due for stock subscribed may be called in and demanded in the manner and under the penalty provided in the fifth section of the act to which this is a supplement.

Price of shares

2. *And be it enacted*, That a share in the capital stock already subscribed and paid for shall be ten dollars instead of twenty-five dollars, as heretofore.

Re-survey of route authorized.

3. *And be it enacted*, That the board of directors may, if they deem it proper and necessary, cause a re-survey of the route of said road as originally laid out, and as the same hath been used, to be made, and shall file in the secretary of state's office a description thereof, verified by an affidavit of the president or secretary and some practical surveyor, that the same is true and correct according to the best of their knowledge and belief, together with a map or draft of such survey; and that such description and map so filed, or a certified copy thereof shall be evidence of the route and location of said road.

Approved February 22, 1853.

CHAPTER LIV.

A further supplement to "An act for the preservation of Clams and Oysters," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time, within which the taking and vending oysters is prohibited by the first and fourth sections of the act to which this is a supplement, is and that the same be extended to the first day of October, yearly and every year, in the county of Cape May, under the same penalties and regulations as are therein contained; *provided*, that nothing contained in this act shall prevent the owners of planted oysters, from, at any time, taking up and vending the same. Time for taking and vending oysters extended. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1853.

CHAPTER LV.

A further supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of instruction, of the indigent deaf and dumb persons who are educated at the expense of the state, be extended to the period of seven years; and that the term of instruction of such indigent deaf and dumb persons, as have been educated at the expense of the Term of instruction extended.

state for said period of seven years, and shall be recommended by the officers of the institution in which they are educated for capacity and good habits, may upon the approval and order of the governor, be extended to an additional period of three years; and that the provisions of any act which are inconsistent with this act, be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1853.

CHAPTER LVI.

AN ACT to incorporate the Beverly and Riverton Turnpike and Bridge Company.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate in fact and in law, by the name of the Beverly and Riverton Turnpike and Bridge Company, and that Richard F. Wilmerton, P. L. Laguerenne, William Pettit, John W. Fennimore, Paul Jones, Thomas S. Fletcher, J. Wilson Wallace, Peter Glassgow, Caleb Clothier, Daniel L. Miller, Jr., Augustus Gallett, Anthony Chaveau and Samuel Bechtold, Jr., or any seven of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places in the county of Burlington as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in Burlington county.

Commissioners to open books of subscription.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be forty thousand dollars, with the privilege of in-

creasing it to any sum not exceeding sixty thousand dollars, and shall be divided in shares of ten dollars each; and that at the time of subscribing to said stock, one dollar shall be paid upon each share subscribed for, to the commissioners or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and that the residue of the said stock shall be paid in such instalments, and at such times and places, and to such person or persons as the board of directors of said company shall from time to time direct, by giving public notice thereof in manner aforesaid; and upon failure of the payment thereof as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for, shall exceed the number of shares authorized by this act, the said commissioners or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subsribed for as aforesaid; but no subscription for less than ten shares of said stock shall be reduced by such apportionment. Proviso.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books; at which meeting the subscription books shall be laid before the said stockholders, who shall thereupon proceed to elect by ballot seven directors, for the term of one year, a majority of whom shall be citizens of this state; of which election the said commissioners or a majority of them shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect by ballot seven directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by said board; and at every such Annual election of directors.

election and in other cases in which the stockholders shall be entitled to vote, one vote may be given for each share by the holder or holders thereof, in person or by proxy; and that if two hundred shares shall not be subscribed for within three years, and at least two miles of said road completed within five years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them in proportion to the sums paid.

Duties and powers of president.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year, and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some other from their number, who, for the time being shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election; and may exact from the president, treasurer and other officers and agents of said company, such security for the due performance of their respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term.

Description of road and bridges.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from the borough of Beverly, in the county of Burlington, by way of Dela Ranco and Progress, to some suitable point on the Penshauken creek, in said county, and also to construct the necessary bridges across the Rancocas river, and all other streams

on the line of said road; the said turnpike road to be at least thirty-two feet and not to exceed fifty feet in width, and to be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone, gravel, plank or other material, to make a solid, firm and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of two degrees with the plane of the horizon; and the said company shall construct, keep in repair and maintain good and sufficient bridges, along the line of said road, not less than twenty feet in width, except the bridge over the Rancocas river which shall not be less than twenty-five feet in width; and whenever the said road shall be raised so much at the margin, or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses from running off; *provided always*, that in the construction of the said bridge over the said Rancocas river, the said company shall at all times maintain a draw or open passage in said bridge, of at least forty feet in width, and be so situated and constructed with wings, both above and below, as to give the least possible obstruction to the navigation of said river, by steamboats, sloops, schooners, or such other vessels as may navigate the same; and that the navigation interests of the said river may be fully protected and provided for, it may be lawful for the board of chosen freeholders of the county of Burlington, to appoint a committee of three citizens of said county, and interested in the unobstructed navigation of the river aforesaid, whose duty it shall be to determine the place and position of the draw or opening in said bridge, and also of the wings, both above and below the same; and when so determined, and made explicit and delivered to the president of said company in writing, signed by at least two of the said committee, the said draw and wings, shall be constructed and maintained according to said written directions, unless the said board of chosen freeholders should modify or change the same, when such modified or changed directions shall form the instructions for the said company in the construction and maintenance, of the draw and

Proviso.

Proviso. wings aforesaid; *and provided also*, that the said company shall at all times, when necessary, have the draw of said bridge removed, in such way as to leave the opening of at least forty feet in said bridge unobstructed to the free navigation of the same; *and provided also*, that at all times during the night, a light be kept burning in such position by the draw of said bridge, as will be best to show its true position; and the said company, may by its officers, agents or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, clay, sand, or other materials, for improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road, it shall pay to the respective owners of the lands over which the same may pass or be erected, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of the owners cannot agree upon the amount of the said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other materials, from his or her lands, for the constructing or maintaining of said turnpike road.

Proviso.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case it should happen that an election of directors shall not be made on the day or at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until others shall be chosen in their places.

Proceedings in case company and owners cannot agree.

8. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, workmen, and other person or persons by them employed, with carts, wagons and other carriages, and with beasts of burthen and of draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry

away any stone, gravel, clay, sand, earth or other materials therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, that the said company shall pay or make tender of payment for all damages for the occupancy of the lands and the materials to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises, (except for the purpose of surveying said route,) unless the consent of the owner or owners of such land, or their legal representatives be first had and obtained; and if the owners of the land or materials as aforesaid shall not be willing to give the same for said purpose, and the said company and owner cannot agree as to the price for the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county where the said land or materials doth lie, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested persons of this state commissioners to assess the price or value of such materials as may be required by said company, and all damages to be sustained, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof, and after ten days' notice to the parties of the time and place, shall meet, view the premises and hear the parties, and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and judgment in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county in which such lands doth lie, to be by him filed as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which appeal shall vest in said court full right and power to hear and adjudge the same; and if required, they

Proviso.

shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose, to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as has been so appraised as aforesaid; and in case any owner or owners of such land and materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the orders of the said court, for the use of the said owner or owners; all which proceedings, as well under this as the seventeenth section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, as above provided for.

Rates of toll.

9. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, or any two continuous miles thereof, or the bridge over the Rancocas river aforesaid, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling each mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.
For every dozen of calves, sheep or hogs, five mills.
For every dozen of horses, mules or cattle, two cents.
And for the crossing of the bridge aforesaid, any sum not exceeding five times the rates allowed to be charged per mile on the road aforesaid, and also one cent for each foot passenger; and it may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep, hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand and receive toll of or from any person passing to or from public worship, at the place where he or they may usually attend, or to or from any mill, to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral. Proviso.

10. *And be it enacted*, That before the said company shall receive toll for traveling on said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Beverly; and shall cause to be fixed and kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs." Mile stones or posts to be erected.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates or toll directions, or shall cut, break down, destroy, or otherwise injure, any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, Penalty for injuring works.

with costs of suit; and if any person, with his carriage, team or horse, turn out of the said road to pass the gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars with cost of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every description, whether of burthen or pleasure, or persons on horseback using the said road or bridge, shall keep their horses, carriages, sleighs or sleds on the right hand of the said road, in the passing directions, leaving the other side of the same free and clear for carriages and persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

14. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges erected thereon in repair, and complaint thereof shall be made in writing, by three responsible persons of the county, to a judge of the court of common pleas of the county wherein the said turnpike or bridge is out of repair, who may be disinterested, the said judge shall give notice to the president of the said company, or to the keeper of the nearest gate or turnpike, setting forth the nature of the complaint, and that if the cause of complaint, if any, be not removed, he will, on a certain day, not less than five, appoint, by writing under his hand and seal, three respectable persons of the township where the cause of complaint arose, or

if it be on the line of any two townships, of either of the said townships, which three persons being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint; and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road or bridge so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road or bridge, the said judge shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travelers, he shall for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services, fifty cents, and the persons appointed one dollar each, to be paid by the said company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the tolls to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as above mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the persons making the complaint.

15. *And be it enacted*, That when the board of chosen freeholders of the county of Burlington shall desire so to do, they may, by paying to the stockholders the original cost of constructing said road and bridges, or either of them, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the lands on which the said

County may take road and bridge on payment of cost.

turnpike road passes, or from whence the materials for its construction may be taken.

Statement of cost to be filed.

16. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the ninth section of this act, the president thereof shall file under oath or affirmation, in the office of the clerk of the county of Burlington, full and perfect statements of the costs of the construction of the said road, and also of the bridges over the Rancocas river as aforesaid.

Penalty for delaying passage of vessels.

17. *And be it enacted*, That if said company shall unnecessarily delay or hinder any vessel, sloop, schooner, or steamboat, by not opening the draw in the bridges authorized by the sixth section of this act, shall for every such offence, forfeit and pay the sum of fifty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person or persons so unreasonably hindered or detained.

Restrictions and liabilities.

18. *And be it enacted*, That the said corporation shall possess the several powers and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved, February 23, 1853.

CHAPTER LVII.

AN ACT for the relief of the Methodist Episcopal Church at Cedar Grove.

Preamble.

WHEREAS, Ebenezer Applegate, of the township of Dover, then in the county of Monmouth, now in the county of Ocean, did by deed, bearing date the first day of January, in the year of our Lord one thousand eight hundred and

forty-eight, and recorded in the clerk's office of the county of Monmouth, in book G five, of deeds, folios five hundred and six, &c., convey to "Joseph B. Applegate, Moses Applegate, Thomas L. Applegate, James D. Wilbur, Samuel C. Applegate, Japheth Pine and Ivins D. Wilbur, trustees, and their successors in office, of the Methodist Episcopal Church at Cedar Grove," a lot of land particularly described in the said deed, and situate in the said township of Dover; and a church building has since been erected on the said lot of land, by public subscription, for the use of the Methodist Episcopal congregation worshiping at Cedar Grove, and the persons aforesaid having neglected to take proper measures to become a corporation under the laws of this state, the title to the said property is thereby rendered insecure, and the people at whose expense the said church was built may be liable to be deprived of their just rights therein, and the manifest intention of the grantor in the said deed, defeated; and whereas, the said congregation have since elected, pursuant to the act entitled "An act to incorporate trustees of religious societies," James Robinson, Edwin Jackson, Thomas S. Applegate, James Tice, and Jacob J. Applegate, to be trustees of said society, who have duly constituted themselves a corporation, under the corporate name of the Methodist Episcopal Church at Cedar Grove, by certificate filed and recorded in the clerk's office of the county of Ocean, pursuant to the provisions of the aforesaid act; now therefore, to give effect to the true intent of the said deed,

Property vested in trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the deed of conveyance made by Ebenezer Applegate, of the township of Dover, then in the county of Monmouth, now in the county of Ocean, bearing date the first day of January, in the year of our Lord one thousand eight hundred and forty-eight, and recorded in the clerk's office of the county of Monmouth, in book G five, of deeds, folios five hundred and six, &c., shall be construed to have conveyed to, and vested in the Methodist Episcopal Church at Cedar Grove, and their successors, in their corporate capacity as now constituted, the lot of land in the said deed particularly described, with the appurtenances thereunto belonging, from

the date of the said deed, in as full and ample a manner, and to the like effect, as if the present trustees of the said church had been duly incorporated at the time when the said conveyance was made, and the same had been made to them in their proper corporate name; and that the said Methodist Episcopal Church at Cedar Grove, now incorporated under and by virtue of the act entitled "An act to incorporate trustees of religious societies," shall be deemed and taken, in all courts of law and equity, to have been seized and possessed in fee simple, as a corporation, from the date of the said deed, of the said lot of land, and the buildings and improvements which have been erected thereon, to all intents and purposes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1853.

CHAPTER LVIII.

AN ACT to set off a part of the township of Washington, in the county of Morris, and to annex it to the township of Chester, in said county.

Boundaries of portion set off.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Washington that lies eastwardly of the line following, to wit:—Beginning at the north-west corner of the dwelling house of Reuben Carlisle, in said township of Chester, and running from thence a straight line to the north-west corner of a bridge across a small stream near the dwelling house of John J. Crater; thence down said stream the several courses thereof, to Black river; thence down said river to where the counties of Hunterdon and Somerset meet on the Morris county line, be, and the same is hereby set off from the said township of Wash-

ington, and annexed to the township of Chester, in the said county of Morris; and that the inhabitants of that part of the said township of Washington so set off and annexed, shall be incorporated with the inhabitants of the said township of Chester, as heretofore existing, under the incorporate name of the inhabitants of the township of Chester, in the county of Morris.

Commissioners to survey line.

2. *And be it enacted*, That Daniel Budd, William Dellicker, and Henry Hilliard, or any two of them, be, and they are hereby appointed commissioners to run, survey, ascertain and mark the said line, and that they, or any two of them, shall, on or before the first day of April next, execute and discharge the duties of this appointment in the like manner as if they had been appointed by the court of common pleas in said county of Morris, on the application of the board of chosen freeholders, except only that it shall not be necessary for the said commissioners to give notice of the time and place of meeting, to perform the duties of their appointment; and that the charges and expenses of the said commissioners shall be taxed and paid in like manner as if they had been appointed by said court.

Act when to take effect.

3. *And be it enacted*, That this act shall take effect and go into operation on the first day of April next.

Approved February 23, 1853.

CHAPTER LIX.

AN ACT to set off from the township of Greenwich, in the county of Gloucester, a new township, to be called the township of Mantua.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Greenwich, in the county of Gloucester, contained within

the following boundaries, to wit: Beginning at the mouth of Edwards' creek, where it empties into Mantua creek, and running thence up the middle of the said creek (or branch) until it strikes or intersects the road leading from Jessup's mill to Clarksboro', south-west of Isaac T. Haines' house; thence along the middle of said road from Jessup's mill, until it strikes the road leading from Coxe's hill to Clarksboro'; thence crossing the same, and continuing the middle of the public road leading through the farms of Joseph D. Green and Richard Black and others, until it strikes the Harrison township line; thence following the said township line until it strikes the corner of the Franklin township; thence along the line of the same until it strikes the Camden county line; thence by the same until it strikes the corner of the township of Deptford, in the county of Gloucester, in the middle of said Mantua creek; thence along the middle of said creek, it being also the line of the township of Deptford, to the place of beginning, shall be and the same is hereby set off from the township of Greenwich, in the county of Gloucester, and established as a separate township, to be called and known by the name of "The township of Mantua."

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the township of Mantua shall be and are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Mantua, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same liabilities as the inhabitants of the other townships in the said county of Gloucester are, or may be entitled or subjected to, by the existing laws of the state.

Time and place of holding first town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Mantua, shall hold their first annual town meeting at the school house, in the village of Carpenter's Landing, on the second Wednesday of March next, and afterwards, at such places as the inhabitants of the said township shall determine, in manner prescribed by law.

Judge of election to procure ballot box.

4. *And be it enacted*, That the judge of election who shall be elected at the annual town meeting, be and is hereby required and directed, to procure at the expense of the county of Gloucester, a ballot box for the use of said township.

5. *And be it enacted*, That the township committees of the township of Greenwich, and the township of Mantua, shall meet on the first Monday in April next, at ten o'clock in the forenoon, at the hotel now kept by Mrs. Sailor, in Clarksboro', and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships, all the property and money on hand or due, or to become due, in proportion to the taxable property or rateables, as valued and assessed by the assessor of the township of Greenwich at the last assessment; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the inhabitants of the township of Mantua shall be liable to pay their just proportion of the debts of the said township, if any there be, to be in like manner allotted and divided by the said township committees; and if any of the persons comprising either of the township committees aforesaid, shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division; and their decision, or the decision of a majority of them, shall be final and conclusive.

Township committee to divide property.

6. *And be it enacted*, That nothing in this act shall be construed to impair, or in anywise affect the right of the said township of Mantua, in and to her just and equal portion of the surplus revenue of the general government, and the interest due or becoming due thereon.

Right of township in surplus revenue not affected.

7. *And be it enacted*, That nothing in this act shall be so construed, so as to interfere with the officers now elected in that part of the township set off and called Mantua, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgement of deeds, until they shall expire by their own limitation.

Act not to affect officers in commission.

Approved February 23, 1853.

CHAPTER LX.

A supplement to the act entitled "An act to incorporate the Mullica Hill and Woodbury Turnpike Company."

Time of annual meeting changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the stockholders of the Mullica Hill and Woodbury Turnpike Company to hold their annual meeting for the appointment of directors, and investigating the affairs of the company, on the first Thursday in August, annually, instead of the second, as heretofore.

Approved February 23, 1853.

CHAPTER LXI.

AN ACT to incorporate the Wallkill Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Horatio Allen, Christian E. Detmold, John C. Hitchcock, James S. Green, James L. Curtis, Edwin Post and Wm. C. Squier, their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic in fact and in name, by the name of "The Wallkill Manufacturing Company," for the purpose of exploring for minerals, and of mining iron and other ores and cleansing and manufacturing the same, with power to lease, purchase and hold such mining rights and real and personal estate as may by said corporation be deemed necessary and advantageous, for exploring, mining, conveying, cleansing, and manufacturing iron and other ores, and to sell, lease and mortgage the same, or any portion thereof, together with all the powers and privileges, and subject to such restrictions, limitations and conditions as are specified in the act entitled "An

act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except as otherwise granted in and by this act of incorporation, and this act shall continue in force for the term of thirty years.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of this company shall be six hundred thousand dollars, with the power to increase the same to twelve hundred thousand dollars, divided into shares of twelve and a half dollars each; and the said shares shall be deemed and considered personal estate; and it shall be lawful for said company to grant certificates of shares in full or part payment for the real and personal estate and mining rights that may be purchased or leased, and by the by-laws to compel payments of instalments not exceeding three dollars on each share at any one time, not deemed or declared full stock; and on failure to pay any instalment, to forfeit the stock and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in a newspaper published in the county of Sussex and in the cities of Newark and New York.

First directors.

3. *And be it enacted*, That Horatio Allen, Christian E. Detmold, John C. Hitchcock, James S. Green, James L. Curtis, Edwin Post, and William C. Squier shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the third Tuesday in May, eighteen hundred and fifty-four, and until others are elected or appointed in their stead.

Officers of corporation.

4. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by seven directors, being shareholders, a majority of whom, together with the secretary, shall be residents of this state, and the secretary shall keep an office in Jersey City or where the manufacturing business may be carried on; the president shall be appointed from the directors, and the directors shall have power to make all needful by-laws not inconsistent with the laws of this state or of the United States.

Annual election of directors.

5. *And be it enacted*, That the annual election of directors shall take place on the third Tuesday of May in each year, commencing on the third Tuesday in May, eighteen hundred and fifty-four, at some convenient place in Jersey City, in the

county of Hudson, between the hours of twelve o'clock, noon, and three o'clock in the afternoon of that day; all elections shall be by ballot and each share be entitled to one vote, and the vote may be by person or proxy; two weeks' previous notice shall be given in a newspaper published in each of the counties of Sussex and Hudson; and if from any cause an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered in conformity to the by-laws of said corporation.

Transfers of stock to be registered.

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president or directors for that purpose, which said book or books shall be closed for the purposes of transfer of stock fifteen days before each election for directors; and no person shall be allowed to vote upon any stock, unless the same has been transferred to him or her, and registered in the said transfer books more than fifteen days prior to the election at which he or she claims to vote; and all the books of said corporation shall be open to the inspection of the stockholders.

Business, where to be carried on.

7. *And be it enacted*, That the manufacture of iron, steel, and other metals from ores, under the authority of this act, may be carried on in the counties of Sussex, Essex, Morris and Hudson, in this state.

8. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed February 24, 1853.

CHAPTER LXII.

AN ACT to authorize the trustees of the Methodist Episcopal church of Vincentown, in the county of Burlington, to sell their church and lot of land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan Haines, Samuel Dobbins, Mahlon Joyce, Robert L. Robbins, and Samuel C. Hampton, Trustees of the Methodist Episcopal Church at Vincentown, are hereby authorized and empowered to sell, at public or private sale, their present church edifice and the lot upon which the same is erected, and to execute and deliver to the purchaser or purchasers, a good and sufficient deed for the same, under the hands and seals of the trustees of said corporation, or a majority of them, by which said purchaser or purchasers, their heirs and assigns, shall hold the same so conveyed, to their own use, free and clear, and absolutely discharged from all trusts whatsoever, upon which the same has heretofore been held; and the purchase money paid by such purchaser or purchasers, when received by the trustees of the said corporation, shall be appropriated towards defraying the expenses of a new church, and shall be absolutely vested in, and belong to the said Methodist Episcopal church or society, at Vincentown, their successors and assigns forever. Trustees authorized to sell church, &c.

Approved February 24, 1853.

New Jersey State Library

CHAPTER LXIII.

A supplement to the act entitled "An act to incorporate the Paterson and New York Plank Road Company," approved March fourteenth, eighteen hundred and fifty-one.

Amount of capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the Paterson and New York Plank Road Company to construct and complete their said road, it shall be lawful for them to increase their capital stock to the sum of one hundred and fifty thousand dollars; the amount of increase shall be subscribed in such manner, and at such time or times and place or places as the board of directors of said company may deem expedient and proper.

Corporation authorized to borrow money

2. *And be it enacted*, That it shall be lawful for said company from time to time to borrow such sums of money as may be necessary to construct and complete said plank road, with the appendages thereto, and to issue their bonds carrying such rates of interest, not exceeding seven per centum per annum, as may be stipulated, and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is hereby granted to the said company to pledge, or hypothecate, by way of mortgage, trust or otherwise, the whole or any part of said plank road, together with all the privileges, appendages and appurtenances to said plank road at any time belonging; and all the property, franchises and chartered rights of said company, and such pledge, hypothecation, bond, mortgage and trust, shall be valid in law for securing the due payment of any sum or sums of money so borrowed, with the interest thereon accruing, which the same may be given to secure; and in case default shall be made in the payment of any moneys so borrowed and secured, the person or persons, body politic or corporate, their legal representatives, successors and assigns, claiming under such pledge, hypothecation, bond, mortgage or trust, may by due process of law acquire the title to, and have, hold, use, occupy and

enjoy the said road, with the privileges, appendages and appurtenances to the same belonging, and all the property of said company, and the franchises and chartered rights of the aforesaid road, and take and receive the tolls, rents, issues and profits and advantages thereof, during the whole residue of the term for which said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might have had or used and enjoyed the same, subject nevertheless to all the restrictions, limitations and conditions contained in the act incorporating said company, and of this supplement thereto, and any deed by which any pledge, hypothecation, mortgage or trust, shall be created by virtue of this act, shall be entered on record in the office of the clerks of the several counties through which the line of said road shall pass, the same having first been acknowledged or proved according to law.

Approved February 24, 1853.

CHAPTER LXIV.

A supplement to an act entitled "An act to incorporate the Vincentown and Mount Holly Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-two.

Construction of proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso contained in the eighth section of the act incorporating the Vincentown and Mount Holly Turnpike Company, approved March twenty-fourth, eighteen hundred and fifty-two, shall be construed to include the carting of marl for the use of farms on the line of said road.

Approved February 24, 1853.

CHAPTER LXV.

A supplement to an act entitled "An act to incorporate the Zinc Mines Plank Road Company," approved March tenth, eighteen hundred and fifty-two.

Name of corporation changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Zinc Mines Plank Road Company shall hereafter be the Zinc Mines Railroad Company.

Company authorized to construct road.

2. *And be it enacted*, That said company are hereby authorized and empowered to construct a railroad instead of a plank road, if in their judgment it shall be deemed most advantageous to do so; and for the purpose of constructing said railroad, the capital stock of said company may be increased by the directors to five hundred thousand dollars; said stock to be divided in shares of twelve and a half dollars each; *provided*, that all such persons from whom the said company may have obtained a right of way for a plank road, shall have assented, in writing, to the construction of said railroad.

Proviso.

Number of directors increased.

3. *And be it enacted*, That the number of directors shall be increased to nine, a majority of whom shall be residents of this state; and the time for commencing said road is hereby extended to two years from the passage of this supplement.

Approved February 24, 1853.

CHAPTER LXVI.

A supplement to an act entitled "An act to incorporate the Florence and Freehold Plank or Turnpike Road Company," approved February nineteenth, eighteen hundred and fifty-two.

Preamble. WHEREAS, the Delaware and Hanover Railroad Company have abandoned their road and removed the rails therefrom, and by a provision in the act incorporating said company the tract is to be considered as a public highway; therefore,

Location of road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Florence and Freehold Plank or Turnpike Road Company be, and they are hereby authorized to locate and construct so much of their road on the bed of the late Delaware and Hanover railroad, in the county of Burlington, as may be deemed advisable by said plank or turnpike road company.

Compensation to be made for lands, &c. 2. *And be it enacted*, That nothing in this act shall be so construed as to give to said Florence and Freehold Plank or Turnpike Road Company the right or privilege of using or excavating, for the purpose of constructing their said road, any of the lands or soil belonging to private individuals without such compensation as is provided for in the charter of the said Florence and Freehold Plank or Turnpike Road Company.

Part of former act repealed. 3. *And be it enacted*, That so much of the act making the line of the late Delaware and Hanover railroad a public highway, so long as the same shall be used and kept in repair by said plank or turnpike road company, be, and the same is hereby repealed.

Approved February 24, 1853.

CHAPTER LXVII.

A further supplement to the act entitled "An act to incorporate the Monmouth County Plank Road Company," approved February twentieth, eighteen hundred and fifty.

Penalty for injuring works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That if any person shall wilfully break, throw down, destroy, or otherwise injure any of the posts now erected, or that shall hereafter be erected, along the line of said road by said company, to prevent persons traveling said road without paying toll, or shall break, cut, throw down, or otherwise injure the wire or wires that are or may be fastened to said posts, or shall travel on any part of said road, (except where the public road is wholly occupied by said company,) without having paid the legal toll, such person or persons shall forfeit and pay a fine of twenty dollars for each and every of said offences, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit.

Actions for recovery of penalties.

2. *And be it enacted,* That in any action for the recovery of the penalties given by the said act, by the supplement thereto, and for the penalties above given, the same may be commenced by summons, in the court for trial of small causes, (whenever the penalties demanded do not exceed one hundred dollars,) and proceeded in as in other cases where the same is commenced by summons.

Part of former act repealed.

3. *And be it enacted,* That the provisions of the act to which this is a supplement, which may be inconsistent with this act, are hereby repealed.

Approved February 24, 1853.

CHAPTER LXVIII.

A further supplement to the act entitled "An act to incorporate the Sussex Iron Company," approved March twentieth, eighteen hundred and forty-five.

Amount of capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the Sussex Iron Company to extend their business, it shall be lawful for them to issue forty thousand shares of new stock, at the par value of twelve and a half dollars per share, with the privilege of a further issue of forty thousand shares, should the business of the company require it; said stock to be issued as a preference stock, and to bear such a rate of dividend, not exceeding eight per cent. per annum, as the board of directors may prescribe.

Books of subscription to be opened.

2. *And be it enacted*, That the said board of directors shall open books of subscription for the stock authorized by this act, and the same shall be kept open from time to time until the whole amount required shall have been subscribed, ten days' previous notice of the time and place of opening said books having been given in two newspapers published in each of the counties of Morris and Sussex.

Act when to take effect.

3. *And be it enacted*, That the foregoing provisions of this act shall take effect when, and not until, the same shall have been accepted by two-thirds of the stockholders of the said company, a meeting of which shall be called for that purpose, and an affidavit thereof be made by the president and secretary of the said company, and filed in the office of the secretary of state of this state.

Stock may be issued in payment for mines.

4. *And be it enacted*, That the said company are hereby authorized and empowered to issue the stock of the said company in full or part payment for any mines, mineral rights and other real estate necessary for their business.

Approved February 24, 1853.

CHAPTER LXIX.

AN ACT to regulate the laying out of streets and highways in the city of Perth Amboy, and the grading and improvement of the same.

City council authorized to lay out and open streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the city council of Perth Amboy to lay out and open any street, road, or highway in the said city, and to cause any street, road or highway already laid out, in any part of the said city, to be vacated, opened, altered, extended or widened, whenever, and so often [as] they shall judge the public good requires the same; and the said city council shall cause maps and surveys of all streets, roads and highways so laid out, opened, altered, extended, or widened, to be made, and certified under the city seal, and cause the same to be recorded in the clerk's office of the county of Middlesex, in the book of record of roads and highways for said county.

Proceedings in case city council and owners cannot agree.

2. *And be it enacted*, That the said city council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances necessary to be taken for a street, road or highway, or to his, her, or their representatives in the law, or legal agent, of their intention to take such land, or other real estate, with the appurtenances, and appropriate it for such street, road or highway, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the city council cannot agree with such person or persons for the same, then it shall be lawful for the said city council to appoint three disinterested freeholders of the said city commissioners to make an assessment and estimate of the damages that any such owner or owners will sustain by laying out, opening, altering, extending or widening such street, road or highway; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land, or other real estate, with the appurtenances, as to the injury sustained by or accruing to the

owner or owners thereof, by laying out, opening, altering, extending or widening any such street, road or highway; *provided*, that no street, road or highway in the said city shall be altered, extended or widened, as aforesaid, except on application in writing to the said city council, by two-thirds of all the owners of lands, lying on and adjoining to the said street, road or highway. Proviso

3. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn before the mayor or recorder, or any one of the aldermen of the said city, to make the estimate and assessment submitted to them, fairly and impartially, according to the best of their skill and judgment; and if any one or more of the said commissioners shall die before the completion of the duty in this act required of them, the said city council may supply any such vacancy or vacancies, and the person or persons so substituted, after having taken such oath as aforesaid, shall have the same power as the commissioners originally appointed. Commissioners to take oath. Vacancies.

4. *And be it enacted*, That the said city council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, at least ten days before the time of meeting, which advertisement shall specify the street, road or highway proposed to be laid out, opened, altered, extended or widened, the alteration proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimate and assessments, and file the same with the clerk of the said city, and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereinafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the Meeting of commissioners.

Proviso. purposes aforesaid; *provided, however*, any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said city council, or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the city council; and the supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Persons entitled may sue in case of non-payment of damages.

5. *And be it enacted*, That in case of non-payment, on demand, of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the inhabitants of the city of Perth Amboy, in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and city council, or award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Assessment to be made for payment of damages.

6. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid, for the laying out and opening of any street, road or highway in the said city, or for the opening, altering, extending or widening any street, road or highway already laid out in the said city, and of all other necessary expenses incident to such laying out, opening, altering, extending or widening, the said city council may ascertain the whole amount of such damages and expenses, and may, if they see proper, cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefitted thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire; and the city council shall appoint three disinterested freeholders of the said city to make every such assessment, who, before they enter into the execution of their trusts, shall be sworn before any justice of the peace, to make said assessment fairly, according to the best of their skill and judgment; and a certificate, in writing, of such assessment, signed by a majority of such persons, being returned to the city council, and ratified by them, shall be binding and conclusive upon the owner and occupants of such houses and lots so to be as-

sessed, respectively, and such owners or occupants shall also, respectively, on demand, pay to such person as shall be authorized by the said city council to receive the same, the sums at which such houses and lots shall be assessed, to be applied to the payment of the damages and expenses of laying out, opening, altering, extending or widening the said street, road or highway, as aforesaid; and under default of such payment, or any part thereof, it shall be lawful for the inhabitants of the city of Perth Amboy, by warrant under their common seal, to levy the same, by distress and sale of the goods and chattels of such owner or occupants refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupants; *provided always*, nothing in this act contained shall affect any agreement between landlord and tenant, respecting the payment of any such charges, but they shall be answerable to each other, in the same manner as if this act had never passed; and further, if any such assessment or any part thereof shall be paid by any person, when, by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, and so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, and proof of payment, shall be conclusive evidence in said suit; and in all cases, where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person, who, in law, ought to bear and pay every such assessment. Proviso.

Property may be sold for payment of assessment.

7. *And be it enacted*, That in case of any assessment made as aforesaid, shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the said city council to cause the same to be advertised in one or more public newspapers printed in the county of Middlesex, for two months, and by advertisements set up in five public places in the said city for two months, thereby requiring the owner or occupants of such houses and lots to pay the sums at which said houses and lots shall have been assessed, to the treasurer of the said city; and that if default shall be made in such payment, such houses and

lots will be sold at public auction, at a day and place to be specified therein, for the lowest term of years, at which any person will offer to take the same in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale; and if, nothwithstanding such notice, the owner or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the said city council to cause such real estate to be sold at public auction, for a term of years, for the purposes, and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and any and all persons claiming under him or them, until his term shall be complete and ended; and such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession, wear and tear, and accidents by the elements, excepted.

Amount of assessment to be a lien on property.

8. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed, from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied; and that it shall be lawful for the said city council, instead of the remedies herein above provided, if they shall see fit, in case of refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of any such assessment from the person or persons who, under the provisions of this act, ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out and expended for such person or persons, or his, her or their legal representatives; and the said assessment shall be conclusive evidence for the plaintiffs in every such action.

9. *And be it enacted*, That the said city council shall or may, whenever they deem it expedient, cause surveys to be made, and the same to be filed in the clerk's office of the county of Middlesex, and recorded in the book of record of roads and highways for said county, of all such roads, streets and highways, as they shall think proper, which heretofore have been, or at any time hereafter may be opened by the owner or owners of any land, over or through which the same runs, and which has been by said owner or owners dedicated to the public, by permitting the public to use the same, and selling lots fronting thereon; and all such streets, roads and highways, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets, roads or highways, and shall be made, maintained and treated as such in all respects.

Surveys of streets to be made and recorded.

10. *And be it enacted*, That it shall and may be lawful for the city council of the said city to make and establish ordinances and regulations for the leveling, grading, regulating, paving, curbing, flagging or graveling of the streets and sidewalks of the said city; to require the work to be done by the owner or occupants of lots fronting or adjoining such streets, and to be superintended by a commissioner appointed for that purpose, who, under the direction of the said city council shall prescribe the manner in which such work shall be done; and if the owner, or legal representative or guardian of the owner of any lot in front whereof the street or walk shall by such ordinance or regulation be directed to be leveled, paved, curbed, graded, regulated, flagged or graveled, shall neglect to comply with such ordinance or regulation within two months after the passage and publication of the same, it shall be lawful for the city council to cause the work to be done, agreeably to the ordinance, for such person so neglecting, and to cause a particular statement and account of the expenses of the said work to be rendered to them, and recorded in their minutes, and properly filed; and if the said statement and account be approved or allowed by the city council, or if any amount be allowed by them for the performance of the said work, they shall cause an advertisement to be made in one or more newspapers published in the county of Middlesex, for one month, stating the amount

City council may establish ordinances for grading, paving, &c.

allowed and approved of, for the performance of the work, and requiring the owner, or legal representative, or guardian of the owner, as the case may be, to pay the same to the treasurer of the said city, at a certain time and place, and also appointing a certain time and place where such lot will be sold at public auction, if default be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot or lots, or the legal representatives of such owner or owners, shall neglect to pay the amount due as aforesaid, with the cost and charges thereof, and the cost of the advertisement, it shall be lawful for the said city council to cause the said lots, in whose hands soever the same may be, to be sold at public auction for a term of years, at the time, for the purpose, and in the manner expressed in the advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, his or their executors, administrators or assigns; and he or they shall by virtue thereof, and of this act, lawfully hold and enjoy the same for his, her and their own proper use, against the owner or owners, and all claiming under him or them, until his time thereon shall be complete and ended, and be at liberty to remove all the buildings and materials which he or they may erect or place thereon; and the amount due and allowed by the city council for the performance of such work as aforesaid, shall be and remain a lien upon the lot or lots of any person or persons neglecting to comply with such ordinance or regulation, and making default of the payment for the work so done, in front of his, her or their lots or lot, as aforesaid, and for which amount such lot or lots shall be liable to be sold as aforesaid, from any person or persons to whom such lot or lots may afterwards have come, or may afterwards have become the owner or owners thereof;

Proviso.

provided, nevertheless, that in case the owner or owners, or the representative or guardian of such owner or owners be non-residents, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done; which said written notice shall be served personally or sent by mail, directed to the said person or persons, within

thirty days after the passage of such ordinance; and proof of having put the said written notice into the post office at Perth Amboy, directed to such person or persons, at his or their most usual place of abode, shall be deemed and taken as full proof of the service of such notice.

Council may sue for amount due for paving, &c.

11. *And be it enacted*, That in case of any such neglect as is mentioned in the next preceding section, by any owner or owners, or the legal representative or guardian of any owner or owners, of any lot in front whereof the street or walk shall by such ordinance or regulation be directed to be leveled, curbed, graded, regulated, flagged, paved or graveled, and the performance of the work by the city council, that then the said city council may, instead of the remedy aforesaid, sue for and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his, her or their legal representative, with interest and costs, in any court of this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out, and expended, to and for the use of such owner or owners, or his, her or their legal representative; and in any such action, the proof of the amount paid by the city council shall be conclusive evidence for the plaintiffs of the amount due.

Tenant may cause sidewalk to be paved.

12. *And be it enacted*, That it shall and may be lawful for the tenant of any lot, or house and lot, within the said city, upon neglect or refusal of the owner or owners thereof, to cause the sidewalk on the said street, in front thereof, to be leveled, paved, curbed, graded, flagged or graveled, in obedience to any ordinance or regulation of the said city council, and to deduct the charges and expenses thereof out of his rent; *provided*, nothing in this act shall affect any contract or agreement made or to be made between landlord and tenant, respecting such charges and expenses.

Proviso.

Part of former act repealed.

13. *And be it enacted*, That this act shall take effect immediately; and that so much of the act entitled "An act to incorporate the city of Perth Amboy," passed the twenty-seventh of February, eighteen hundred and forty-four, as comes within the purview of this act, be and the same is hereby repealed.

Approved February 24, 1853.

CHAPTER LXX.

A supplement to the entitled "An act to incorporate the Mullica Hill and Pole Tavern Turnpike Company."

Company authorized to extend road to Daretown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Mullica Hill and Pole Tavern Turnpike Company, (a majority of the stockholders so determining) shall have the power of extending said turnpike road from Dean's corner, on or near the line of the present road to Allowaystown, to a point near Isaiah Conover's; thence in nearly a straight line through lands of Theophilus Paulding, John Combs, William Watson, John Janvier, and others, at a point west of and near the Presbyterian church at Daretown.

May extend road to Allowaystown.

2. *And be it enacted*, That the directors of the aforesaid company, (a majority of the stockholders so determining) shall have the power of extending said turnpike road, from the point near Isaiah Conover's to Allowaystown, on or near the line of the present road to that place.

Capital stock may be increased.

3. *And be it enacted*, That the president and directors of said company (a majority of the stockholders concurring) shall have power to increase the capital stock of said company to thirty-five thousand dollars.

Gates or turnpikes to be erected.

4. *And be it enacted*, That as soon as said turnpike road shall be completed from Mullica Hill to Dean's corner, according to the act to which this act is a supplement, it shall and may be lawful for the directors of said company to erect gates or turnpikes across said road, and receive toll in the manner and form as prescribed in the charter of said company; also, that the directors of said company shall have power to toll the balance of the turnpike road, authorized by this supplement, as each consecutive mile shall be completed.

Regulations and liabilities.

5. *And be it enacted*, That in the changing of the route, and in the extension and construction of said turnpike road, the company shall be subject to all the regulations and liabilities specified in the act to which this is a supplement.

Part of former act repealed.

6. *And be it enacted*, That so much of the act entitled "An act to incorporate the Mullica Hill and Pole Tavern Turnpike

Company," authorizing the construction of a turnpike road by said company, from Dean's Corner to the Pole Tavern, also all other parts of said act that conflicts with the provisions of this supplement, be, and the same are hereby repealed.

Approved February 24, 1853.

CHAPTER LXXI.

A supplement to the act entitled "An act to incorporate the South Camden Ferry Company," approved March fourteenth, one thousand eight hundred and fifty-one.

Preamble.

WHEREAS, the South Camden Ferry Company, incorporated by the act to which this is a supplement, are desirous to establish their ferry at the foot of Kaighn's Point Avenue, formerly called Market street, at Kaighn's Point, in the city of Camden; and whereas, the city council of the city of Camden, by ordinance, have consented thereto; therefore

Company may occupy foot of avenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and they are hereby authorized to use and occupy the foot of said avenue, as a landing place for their steamboats, or so much thereof as may be necessary for said purpose, and to erect and maintain the necessary wharves, slips and gates; subject to the provisos and conditions in the said ordinance of the said city council contained.

Part of former act repealed.

2. *And be it enacted*, That so much of the said act of incorporation to which this is a supplement, as requires the said steamboat ferry to be erected at the foot of Ferry street in said city, be and it is hereby repealed.

Company may borrow money

3. *And be it enacted*, That the said South Camden Ferry Company be authorized, from time to time, to borrow such sums of money as may be necessary to erect and establish said

ferry, and to purchase and construct suitable and necessary houses, wharves, slips, fixtures, steamboats and machinery, for the use of the said company; and to secure the re-payment thereof by bond or by mortgage, of the property, privileges and franchises of the said company, at a rate of interest not exceeding seven per centum per annum, anything in the acts concerning usury to the contrary notwithstanding.

Approved February 24, 1853.

CHAPTER LXXII.

A supplement to an act entitled "An act to incorporate the Newark and Bloomfield Railroad Company," approved March twenty-sixth, eighteen hundred and fifty-two.

Company authorized to build bridge and branch railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Newark and Bloomfield Railroad Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to build a bridge across the Passaic river, between the Newark Cemetery and a point not less than two hundred yards above the Newark Turnpike Bridge, on said river, and to construct a branch railroad, to connect with the New Jersey Railroad, at some point in the county of Hudson, for which purpose the same powers and privileges are hereby conferred, and the same liabilities imposed as are contained in the act to which this is a supplement; *provided*, that an agreement be first made with the New Jersey Railroad and Transportation Company for such connection; *and provided, also*, that if the latter company shall construct the aforesaid connecting branch road and bridge in two years from the passage of this act, and in conformity thereto, which they are hereby authorized to do, then the rights conferred by this supplement on the said Newark and Bloomfield Railroad Company shall cease and be void.

Proviso.

Proviso.

2. *And be it enacted*, That the said bridge across the Passaic river shall be built with a draw that shall open at least forty-five feet in width, for the free passage of such vessels as shall pass up and down said river; and the said draw shall be constructed with piles and piers on each side, as near as may be where the channel of said river runs; and for the safety of navigators, a light shall be kept and maintained at said draw during every night; and the said company shall keep, or cause to be kept and maintained at said bridge, a careful person to open the said draw, for the free passage of vessels; and for every wilful neglect in opening said draw, when necessary for the passage of such vessels, the said company shall forfeit the sum of twenty-five dollars, to be recovered by action of debt, before any court of competent jurisdiction, and shall also be liable to an action for damages, at the suit of the party aggrieved. Bridge to be built with draw.

3. *And be it enacted*, That nothing contained in this supplement shall be so construed as to impair in any manner, any reversionary interest or vested right which the state or any incorporated company or companies, or any individual may possess in virtue of an act entitled "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three. Rights of state or incorporated companies not affected.

4. *And be it enacted*, That it shall not be lawful to erect the bridge mentioned in the first section of this supplement, until the consent thereto in writing, of "The Proprietors of the Bridges over the rivers Passaic and Hackensack," under their common seal, shall be filed in the office of the secretary of state of this state; and that the giving of such consent shall not, except as to the said bridge so consented to, be construed, held or deemed in any manner to strengthen or impair any rights or privileges which the said "The Proprietors of the Bridges over the rivers Passaic and Hackensack" may possess, in virtue of an act entitled "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein men- When bridge may be erected.

tioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three, but the same shall be and remain of the same force and effect as if this act had not been passed.

Public act.

5. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall go into effect immediately.

Approved February 24, 1853.

CHAPTER LXXIII.

AN ACT supplementary to an act entitled "An act to incorporate the Provident Institution for Savings in Jersey City," passed February twenty-seventh, eighteen hundred and thirty-nine.

Deposits of money from married females may be received.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Provident Institution for Savings in Jersey City to receive any deposit or deposits of money from any married female or females, and to hold the same, together with such dividends as may accrue thereon, as the sole and separate property of the depositor or depositors thereof, as if she or they were single; not subject to the control or disposition, nor liable for the debts of her or their husband or husbands; and to repay the same, or any part thereof, and the dividends or any part thereof, upon the order, check, receipt or demand of the depositor or depositors thereof, without the knowledge or consent of her husband, or their husbands; and such payment shall exonerate and discharge the said institution from any further liability respecting the said deposit or deposits, and the dividends thereon, to the amount thereof so paid by them.

Approved February 25, 1853.

CHAPTER LXXIV.

AN ACT for the relief of the ministers, church wardens, and vestrymen of the church of Saint Andrew, in Mount Holly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any mortgage or bond heretofore made and executed by the minister, church wardens, and vestrymen of the church of Saint Andrew, in Mount Holly, as grantors and obligors, to secure the purchase money of the lot of land upon which their present church edifice is erected, or any part thereof, and the interest that shall accrue thereon, shall, when delivered, be good, valid and effectual in law, against them, their successors in office and assigns, in favor of the grantees and obligees therein named, their executors, administrators and assigns, and that it shall and may be lawful to enforce the payment thereof against the said grantors and obligors, their successors in office and assigns, by all lawful suits, either at law or in equity. Bond and mortgage made valid.

Approved February 25, 1853.

CHAPTER LXXV.

AN ACT to incorporate the Bergen County Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Hopper, John Huyler, Garret G. Ackerson, Robert Ward, John Ackerman, Henry H. Voorhis, Jr., Jacob R. Wortendyke, Garret J. Demarest, and Peter Van Ryper, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact Names of corporators.

and in law, by the name of "The Bergen County Railroad Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be eight hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation, by their by-laws, shall direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, giving notice thereof for at least twenty days prior to the opening of said books, by publishing the same in one newspaper published at Paterson, and one in Jersey City; and that the said books shall be kept open for at least two days, in Hackensack, and two days in Hoboken, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more than eight hundred thousand dollars of stock be subscribed for, it shall be the duty of said commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

Election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for, to the said commissioners; and when three hundred thousand dollars of the capital stock shall be subscribed for, the books having been kept open as specified in the preceding section, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; the election shall be in either of the counties through which the said road is to be located, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of said election of the first directors of said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over to them the sub-

scription books and money paid in, after deducting a reasonable compensation for their services; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or by a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time on notice as aforesaid, and the directors for the time being shall continue in office until others be elected in their places.

Payment of instalments.

6. *And be it enacted*, That four directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper published at Paterson and in Jersey City; *provided*, that no two instalments shall be demanded within thirty days of each other; and in case of the non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise.

Proviso.

Company authorized to construct road.

7. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to sur-

vey, lay out and construct a railroad from some suitable point on the Hudson river, north of Jersey City; thence to a point within half a mile of the court house in Hackensack; and thence to some point in the New York state line, east of the Paterson and Ramapo railroad; and said railroad may commence at any point on the Hudson river north of the Jersey City ferry, excepting that no part of said road shall be constructed within fifty feet from high water mark on the lands now held by the Hoboken Land and Improvement Company, without their consent; and to locate and form said railroad not exceeding sixty-six feet in width, unless it be necessary for the purpose of constructing said road, to take more, and then not more than one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ to enter at all times upon lands and waters, for the purpose of exploring, leveling, surveying, and laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion and repairs of said railroad, and to carry into full effect the objects of this act, subject to such compensation, and upon such terms as are hereinafter provided for in section nine.

Proceedings in case company and owners cannot agree.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said com-

pany, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which the lands are situate, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than twenty days, to be given to the persons interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages which shall be paid by the company for such land and damages aforesaid; which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal, the verdict of the jury, and the judgment of the court thereon, and a copy thereof, certified by the clerk of said county, the damages found or assessed, with the costs adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land; and either of the

judges of the said court, shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

9. *And be it enacted*, That in case the said company, or owner or owners of the said land shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands lie, at the first term after the filing of the said report, by proceeding in form of petition to said court; which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanneled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, or into the court of common pleas, to the clerk thereof, in the county in which the said lands are situate; and from the owner or owners of land not in controversy, they shall obtain consent in writing, before they enter upon or break ground on

the premises, except for surveying and laying out said road; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof, receive the same, without being thereby debarred from the appeal hereby provided for. Proviso.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public road or other road now in use or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the same; and where this railroad crosses any other railroad now constructed, it shall be the duty of the company hereby incorporated to cause crossings to be made, so as to do the least injury possible to the old road; and the said company may build bridges over the Hackensack river and over the English creek and other navigable streams within the line of their road, and in each bridge they build over the Hackensack river and over the English creek, at points where the said river and creek are navigable, they shall put a draw of at least forty-five feet wide in the narrowest part, and in each bridge they build over any other navigable stream, they shall put a draw of at least thirty feet wide, in the narrowest part, and place it in a line with the course of the river, creek or stream, over the best channel thereof, in such position as to do the least injury to the navigation; and shall at all times when the Hackensack river is navigable, during the night, from dark until daylight, keep a constant light at such bridge or bridges as they shall have erected over the Hackensack river, and keep a suitable person at each of said last named bridges to open the draw for the free passage of all vessels with standing masts; and for each and every neglect to keep such light, and to open the said draw when necessary, the directors of the said company shall forfeit and pay the sum of fifty dollars, to be recovered with costs, in any court having jurisdiction thereof, by any person who shall sue for the same, within six months after the time of such neglect.

Company to construct and repair bridges.

Bridges over Hackensack river, &c.

Rates for carriage and transportation

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and run on said railroad, all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than three cents per mile for each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandize and produce on said road, in the carriages of the company, and for dry goods and packages, such reasonable rates as shall be fixed by the board of directors, or five cents per mile for every ton, two cents per mile for every passenger carried on said road in the carriages of others, and three cents per mile for every empty carriage not the property of the company; and that the road authorized by this act, shall be and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles, as those used by the company, and shall be regulated as to the time of starting and rates of traveling by the company in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said railroad is located, shall be revested in the person or persons who would have been legally entitled thereto if this said road had not been located; but the superstructures

Proviso.

Proviso.

Proviso.

of the said railroad and the materials of which the same is composed, shall in such case be deemed and taken to be personal property of the said company, and shall be by them removed and disposed of within a reasonable time, to and for the use of said company.

Semi-annual dividends.

12. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof among the stockholders, as they may deem prudent; and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively.

What real estate may be held.

13. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate, at or near the commencement and termination of said road, and at its junction with the Hackensack river, or at its nearest point to the village of Hackensack, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, machinery or works of said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same.

Annual statement to be made.

15. *And be it enacted*, That as soon as the said railroad is finished so as to be used, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state; and annually thereafter he shall under oath or affirmation, make a statement to the legislature of this state, of the proceeds and expenses of said road; and whenever the nett proceeds of the road shall amount to six per centum per annum upon its cost, the said corporation shall pay

to the treasurer of this state, to be applied to the school fund, a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Proviso.

State may take road on payment of appraisement.

16. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said railroad, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state, for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the three persons on their part, for two months after the appointment, by the chief justice, then the three persons so appointed by him, shall proceed to make such appointment, which shall be binding upon said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh person, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, who, with the aforesaid six, or a majority of them, shall report as aforesaid; and thereupon the state shall have the privilege for two years, of taking said road, upon payment to the company of the amount of said appraisement, within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property, and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

Proviso.

Time of commencement and completion of road.

17. *And be it enacted*, That if the said railroad shall not be commenced in two years, and completed and in use in five years, from the fourth day of July next, that then and in that case this act shall be void.

18. *And be it enacted,* That the governor, the chancellor, the justices of the supreme court, and the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, may pass and repass upon said railroad in the cars of the company, free of charge. Certain officers to pass free.

Approved February 25, 1853.

CHAPTER LXXVI.

AN ACT to incorporate the Newark and Springfield Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That William Stites, Israel D. Condit, Jonathan Valentine, William Day, James W. Wade, John C. Beardsley, Ezra Nye, Isaac Baldwin, Joseph N. Tuttle, Samuel Meeker, Algernon S. Hubbell, William A. Righter, Charles S. Macknet and David M. Fitzgerald, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Newark and Springfield Railroad Company," and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation. Names of corporators.

2. *And be it enacted,* That the capital stock of said company shall be three hundred thousand dollars, with liberty to the said company to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be trans- Amount of capital stock.

ferable in such manner as the by-laws of the said corporation shall direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they, or a majority of them may think proper; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to said commissioners; that whenever there shall be two hundred shares of the said stock subscribed, the said commissioners may give notice for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases, and the directors for the time being shall

continue to hold their office until new ones shall have been chosen in their places.

Payment of instalments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company by such instalments, not to exceed ten dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said instalments or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary, and so many clerks and other officers and agents, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Proviso.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company, be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from one or more suitable place or places in the townships of Springfield or New Providence, to some point or points in the railroad of the New Jersey Railroad and Transportation Company, in the county of Essex, south of South street, in the city of Newark, with power to extend the same to some point or points on the westerly shore of Newark bay or Passaic river, not exceeding seventy-five feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling, or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of

such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road or roads, subject to such compensation as is hereinafter provided;

Proviso.

provided always, that the payment or the tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials and to assess the damage, upon such notice to be given to the persons

interested, as shall be directed by the justice making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by the company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said land or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the lands or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may be; *and*

Parties aggrieved may appeal.

Proviso. *provided also,* that in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for said original road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew, in the manner by this act authorized and directed, to acquire the right and title to any such lands.

Proceedings in case of appeal. 8. *And be it enacted,* That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of petition to the said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded for the trial thereof by jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect as in any action of trespass, or on the case, prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her or their own costs; and such appeal shall be brought on and disposed of, at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient

to authorize the company to take possession of and use the said land or materials; *provided*, the amount of the said judgment or of the award of the said commissioners shall first be paid to the party or parties recovering the same, or in whose favor the same is made; or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof; *provided*, that the person or persons entitled to receive the damages assessed by the commissioners may, upon tender thereof being made, receive the same, without being thereby debarred from his, her or their appeal, as hereinbefore provided for. Proviso

Proviso.

9. *And be it enacted*, That in case any owner or owners of any such required lands or materials so appraised, or in favor of whom damages may have been assessed, shall be feme covert, under age, non compos mentis, or resident out of this state, or shall refuse to receive the amount so awarded or assessed, then and in such case the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners respectively, or the damages so assessed, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners, or of the said person or persons so damnified; which payment shall have the same force and effect, and vest in the company the same rights and privileges as if paid to the owner or owners damnified, or paid into the circuit court, under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner hereinbefore provided. Payment of damages in case owners are under legal disability.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be prevented thereby; and when the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon ways over or under the said railroad, so that persons may conveniently pass the same. Company to construct and repair bridges.

11. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place on the Rates for carriage and transportation

railroad constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of ten cents per mile per ton for the transportation of property on the said road, or five cents per mile for carrying each passenger on said railway in the carriages of the company, or five cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railway in the carriages of others, and four cents per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Proviso.

Semi-annual dividends.

12. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper of the nett proceeds thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

What real estate may be held.

13. *And be it enacted*, That the said company may have and hold real estate at or near the termination and commencement of the said road or roads, not exceeding three acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any building, works or machinery of the said corporation, such person or persons shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

15. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated as to the time of starting and rates of traveling, as not to interfere with the carriages of the company. Road to be public highway. Proviso.

16. *And be it enacted*, That it shall and may be lawful for any corporation duly organized by virtue of any law of this state, to subscribe for and hold the stock and bonds of the said railroad company, and the said company shall have power to make and execute any bond or bonds or mortgage, at a rate of interest not exceeding seven per centum per annum. Company authorized to execute bonds, &c.

17. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and as soon as the annual dividend declared by said company shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company. Annual statement to be made. Proviso.

18. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and of the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company; who, or a majority of them shall report the value thereof to the legis- State may take road on payment of appraisement.

lature, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who with the aforesaid six shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the three persons so appointed by him, shall proceed to make said appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege for three years of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

Proviso.

Commencement and completion of road.

19. *And be it enacted*, That if the construction of the said railroad to its junction with the railroad of the New Jersey Railroad and Transportation Company, shall not be commenced in three years from the passage of this act, and completed and in use at the expiration of five years from the fourth day of July next ensuing, that then and in that case this act shall be void.

Approved February 25, 1853.

CHAPTER LXXVII.

AN ACT to incorporate the Mount Holly and Jobstown Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription book of the capital stock of the Mount Holly and Jobstown Turnpike Company shall be opened by Benjamin Kemble, John L. N. Stratton, Joseph E. Butterworth, Ewan Merritt, Samuel N. Haines, Joseph Emley, William G. Lippincott, John W. Black, Samuel Parker, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Burlington. Commissioners to receive subscription.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty for the said company to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when three hundred shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company, by the name and style of "the Mount Holly and Jobstown Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect. Amount of capital stock.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in instalments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof, in the manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power Payment of instalments.

to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of the shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than five shares of said stock shall be reduced by such apportionments.

Proviso.

Proviso.

Shares to be subscribed for within certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company, be not subscribed for within three years from the time of opening the said subscription books, this act, and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Election of directors.

5. *And be it enacted*, That when six hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders; giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Proviso.

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citi-

zen of this state and resident in the county of Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders; or, in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy, occurring in the interval between the annual election, by death, resignation, removal or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state and resident in the county of Burlington, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts, as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Annual statement to be made.

8. *And be it enacted*, That at the annual meeting of the stockholders, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a complete statement of the affairs of the company during said term.

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with re-

gard to the annual meeting, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Charter not defeated for failure to elect on day prescribed.

10. *And be it enacted*, That if, from any cause, an election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated nor avoided by reason of the irregularity or the want of such election.

Company authorized to construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, either three or four rods wide, from any point within the circuit of one mile from the court house in Mount Holly, in the county of Burlington, to the junction of the Columbus and Monmouth roads in the village of Jobstown, in said county: and in the construction of said road, it shall be lawful for the said company, by their officers, agents, and other persons in their employ, to enter from time to time, and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials for the construction or use of said road,

Proviso

doing thereto no unnecessary damage; *provided*, that, before the said company shall construct the said turnpike road aforesaid, they shall pay to the respective owners of the lands over which the said turnpike road shall pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike road: and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other material from his or her land for the constructing or maintaining of said turnpike road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, and shall be sufficiently arched and drained to make and keep the same dry; and at least seventeen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that, in its progress, no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off. Description of road.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom, suitable for making or repairing said road: and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burling- Proceedings in case company and owners of land cannot agree.

ton, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same, and assessment of damages, to be paid by the said company for such lands or materials and damages aforesaid; and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien

upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding four in number, and to demand and receive toll for traveling each mile, and all fractions over half a mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen calves, sheep, or hogs,	five mills.
For every dozen of horses, mules, or cattle,	two cents.

And it shall and may be lawful for the toll gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones or posts to be erected.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every

mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Mount Holly; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of said road to pass a gate or gates on private grounds adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

18. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing directions, leaving the other side of the said road free and clear for other carriages or

persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, who shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road, and report, in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the said gates or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, to open the said gate or turnpike, exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with cost of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

Commencement and completion of road

20. *And be it enacted*, That if the said road be not commenced within three years, and completed within five years

from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 25, 1853.

CHAPTER LXXVIII.

AN ACT supplementary to the act entitled "An act to incorporate the Westfield and Camden Turnpike Company."

Company authorized to intersect with another road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Westfield and Camden Turnpike Company are hereby authorized and empowered to construct about one mile, more or less, of turnpike road, from the bridge over the Rancocas river at Bridgeborough, Burlington county, New Jersey, so as to intersect at any suitable point, the turnpike road now in process of construction by the Beverly and Mount Holly Plank Road or Turnpike Company; and in all the details to be governed by the provisions of first above named act, to which this is a supplement, and that the capital stock of said company be increased, so as to meet the cost of this said turnpike road extension.

Proceedings in case company fail to make road.

2. *And be it enacted*, That in case the Westfield and Camden Turnpike Company shall fail, within two years from and after the passage of this supplementary act to make said road, then it shall be lawful for the "Beverly and Mount Holly Plank Road or Turnpike Company," to make said road from the said bridge to intersect said last named company's road as aforesaid, and to be governed in all the details as required by the act incorporating the Beverly and Mount Holly Plank

Road or Turnpike Company, so far as the same shall be applicable; the necessary increase of the capital stock to be allowed; and, allowing three years to complete the said road after commencing the same.

Approved March 1, 1853.

CHAPTER LXXIX.

AN ACT relative to the election of overseers of the highways in the township of Mansfield, in the county of Warren.

Voters in district to elect overseer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of each road district in the township of Mansfield, in the county of Warren, be and they are hereby authorized to elect an overseer of the highways for such district.

Time of election.

2. *And be it enacted*, That such election shall be held in each district on the first Monday of April, annually, at such time and place as shall be designated by said notice at the previous annual meeting.

First election.

3. *And be it enacted*, That the first election shall be held on the first Monday of April next, at such time and place as shall be designated by the town clerk of said township, notice whereof shall be given by an advertisement for five days previous thereto in some public place in each district.

Elections to be under this law.

4. *And be it enacted*, That no overseer or overseers shall be elected in said township except under the authority of this law.

Approved March 1, 1853.

CHAPTER LXXX.

AN ACT supplementary to the act incorporating the Mount Holly and Pemberton Turnpike Company.

Powers and privileges of company may be transferred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within three years from the passage of this supplementary act, it shall and may be lawful for any three of the persons named in the act to which this is a supplement, to give notice for three successive weeks in any newspaper published in Burlington county, that the powers and privileges contained in and conferred by the act to which this is a supplement, has been transferred to any other existing company, (to be named in said notice) incorporated for the purpose of constructing one or more turnpikes or plank roads; then it shall and may be lawful for said other company, to whom the work shall have been transferred as aforesaid, to enter upon and construct said road, or any part thereof, from Mount Holly to Pemberton, to be governed in all the details by the act of incorporation under which said other company originally acted in constructing any other road to which this may be considered an addition or extension; and moreover, it is also hereby provided, that said other company that may as aforesaid assume the making of said road, when authority be transferred as aforesaid, shall have the privilege of selecting any route deemed the most feasible, between Mount Holly and the town of Pemberton, upon which to construct a turnpike or plank road, or a part of the one kind and a part of the other, as shall be deemed most desirable; and also, that upon completion of any one mile or more of said road, tolls may be collected by the company making the road, according to their original act of incorporation.

Part of former act repealed.

2. *And be it enacted*, That on and after the date when such notice shall have been given as aforesaid, any part of the act to which this is a supplement which may conflict with the provisions of this supplement, shall from date of such notice be and stand repealed.

Approved March 1, 1853.

CHAPTER LXXXI.

AN ACT to incorporate the Freehold and Howell Plank Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Conover, James Craig, Alexander Barkalow, Andrew Simpson, C. D. Emson, David Antonides, William E. Conover, Henry Brinkerhoff, John B. Williams and Charles Butcher, and such other persons as may hereafter be associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of "The Freehold and Howell Plank Road Company," and by that name they and their successors shall be known in law. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That William H. Conover, James Craig, Alexander Barkalow, Andrew Simpson, C. D. Emson, David Antonides, William E. Conover, Henry Brinkerhoff, John B. Williams and Charles Butcher, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation; and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places in the county of Monmouth as they or a majority of them shall appoint, giving twenty days' notice of such times and places in two of the newspapers published in Monmouth county, and in such other newspapers as the said commissioners, or a majority of them, shall deem advisable; and at such times and places so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable and just; and at the time of subscribing Commissioners to receive subscriptions.

for said stock, two dollars and fifty cents on each share subscribed shall be paid to the said commissioners in gold or silver, or legal and current bank notes, and the residue may be called in, and shall be paid at such times, and in such amounts, by instalments, as is by this act hereinafter directed.

Annual election of directors.

4. *And be it enacted*, That whenever there shall be three hundred shares of the said stock subscribed, and seven hundred and fifty dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers of this state, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, seven directors, a majority of whom shall be citizens and residents of this state, and hold their offices for one year and until others are elected; and each stockholder, at such election and at all future elections of said corporation, shall have one vote for each share he, she or they may own at the time of such election; and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Payment of instalments.

5. *And be it enacted*, That a majority of the board of directors shall, at all times, be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments not exceeding two dollars and fifty cents on each share, by giving notice for thirty days of such required instalments, in one or more newspapers published in Monmouth county; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she or they so neglecting or refusing, shall forfeit their stock and all payments made thereon.

Subscriptions to be paid over to directors.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they or a majority of them shall direct, all money which they have received for the subscriptions to said capital stock, first deducting therefrom all expenses which they have incurred for books, printing, or other

expenditures, and the sum of one dollar and fifty cents per day for each and every day they have been employed in the duties of their appointment, and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, or at the time when, pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such elections may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Officers of corporation.

8. *And be it enacted*, That the board of directors so chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, who shall be a resident of this state, and hold his office for one year; also a vice president, secretary and treasurer, who shall hold their offices for one year; also to appoint such subordinate officers, agents, engineers and workmen as the business of the corporation shall require, and fix their compensation; also, to make and establish such by-laws for the management of their property, regulation of their affairs, and for the transfer of their stock as they shall deem proper, *provided*, they are not inconsistent with the constitution or laws of the United States, or of this state.

Proviso.

Company authorized to construct road

9. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding fifty feet in width, to be formed with one or two tracks of from eight to ten feet wide each, of substantial plank or timber, laid down in a firm and workmanlike manner, as to keep the same at all times in good repair, so as to present a firm, smooth and even surface at all seasons of the year, to commence in the village of Freehold, in the township of Freehold, and thence passing in the most eligible route to its point of termination at or near the village of Upper Squancum, in the township of Howell, in the county of Monmouth; and it shall and may be lawful for the said president and directors, their agents, engineers, superin-

tendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter;

Proviso. *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such lands be first had and obtained.

Proceedings in case company and owners cannot agree.

10. *And be it enacted*, That if the owners of the land on which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested and impartial commissioners, freeholders of this state, to assess the price or value of such land, and all damage sustained, who shall be sworn, before some officer authorized by law to administer an oath, faithfully to execute the duties of such appointment; and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded and described in

writing, under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said lands lie, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which the lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceedings shall vest in the said circuit court, full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for the jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs against said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate so appraised as aforesaid, for the purposes of said road.

Parties aggrieved may appeal.

11. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all which proceedings, as well under this as the last

Payment of damages in case of legal disqualification of owners.

section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, above provided for; and the said justice shall and may direct the amount of costs and charges of such valuation, appraisement and witness fees.

Road may be located on public highway.

12. *And be it enacted*, That the said plank road or any part thereof may be located and constructed on any of the public highways, between the commencement and termination of the same: *provided*, it be made to appear to the satisfaction of the inferior court of common pleas of the county of Monmouth, on the application to said court by a majority of said commissioners, or by a majority of the directors, on due proof, that a majority of the voters of any township in which said public highways are, have by their signatures approved of the same, and that three fourths of the land owners adjoining any of said highways in said township, have in like manner approved the same, which said court shall decide whether the majority of said voters, and three fourths of said land owners, in said township have so expressed their approval in favor of taking any of said highways in said township, and cause such decision to be entered in the minutes of said court.

Proviso.

Company may take possession of public highway.

13. *And be it enacted*, That whenever the said court of common pleas shall decide that a majority of said voters and three fourths of said land owners have, by their signatures, approved the taking any of said highways in said township for the purpose of building said plank road, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate said highway within the township where the taking of the same is approved as aforesaid, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; also to open said highways to their full width, and if any of said highways so taken should have been laid out less than three rods in width to open them to any width not exceeding three rods, first compensating the owner thereof for such deficiency; and if they cannot agree with the owner for such deficiency, to proceed as provided for in the tenth section of this act.

14. *And be it enacted*, That after the said court of common pleas shall decide that a majority of said voters and three fourths of said land owners along any of said highways have, by their signatures, approved the taking any of said highways, for said plank road, if said plank road should not be commenced within five years, and two miles of the same completed within six years after such decision, such approval and decision to be void. Commencement and completion of road.

15. *And be it enacted*, That whenever two miles of said plank road are completed, the said company may erect gates and turnpikes across the said road, and demand and receive toll for each mile of the said road so made, not exceeding the following rates, to wit: Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent.
For every additional beast, one cent.
For every horse and rider, led horse or mule, one cent.
For every dozen of calves, sheep or hogs, and so in proportion for a greater or lesser number, five cents.
For every dozen of horses, mules or cattle, and so in proportion for a greater or lesser number, five cents.

And it shall be lawful for any toll-gatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes, until the toll, as above specified, has been paid for them respectively; *provided always*, that the rates of toll on such parts of the said plank road as shall be constructed on any public highway, according to the provisions of this act, shall not exceed one half the rates above specified. Proviso

16. *And be it enacted*, That before the said company shall demand or receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road in Freehold, and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded. Mile stones or posts to be erected.

Penalty for injuring works.

17. *And be it enacted*, That if any person shall wilfully break, throw down or deface, any of the mile stones or posts so erected on the said road, or shall wilfully cut, break down, destroy or deface, or otherwise injure any gate, turnpike, bridge, machinery, timber or plank, that shall be erected, built, placed, or laid down in pursuance of this act, or shall forcibly pass the same, without having paid the legal toll at the gates or turnpikes, such person or persons shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall, with his team, carriage or horse, turn out of said road to pass a gate or gates, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay ten dollars, to be recovered by said company to their use, in an action of debt, with costs of suit.

Penalty for obstructing passage.

18. *And be it enacted*, That all drivers of carriages, sleighs or sleds, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars, to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered in an action of debt, with costs of suit.

Time of commencement and completion of road.

19. *And be it enacted*, That if the said plank road shall not be commenced within two, and three miles thereof shall not be in use in three years from the passage of this act, then and in that case this act shall be void.

Public highways vacated.

20. *And be it enacted*, That all such parts of any public highway as shall be taken for the said plank road according to this act, shall thereupon cease to be a public highway so long as the same shall be used for said plank road.

21. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1853.

CHAPTER LXXXII.

AN ACT to incorporate the Perth Amboy Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Patterson, James Parker, John Manning, Alfred Hall, Francis W. Brinley, Ezekiel M. Patterson, and such persons as may become associated with them, their successors and assigns, be and the same are hereby constituted a body politic and corporate, by the name of "The Perth Amboy Ferry Company," for the purpose of conducting and managing a ferry and ferries between Perth Amboy, in the county of Middlesex, and Staten Island, in the state of New York, and between Perth Amboy and South Amboy; and they and their successors and assigns, in their corporate name, shall be and are hereby made capable in law, to have, purchase, receive, lease, hold and enjoy all such estate, real and personal, as may be necessary, useful and proper for the purposes of the said ferries; and the same to grant, demise, alien, pledge, convey and dispose of, and to have and enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, for the purposes of this act. Names of corporators.

2. *And be it enacted*, That the said William Patterson, James Parker, John Manning, Alfred Hall, Francis W. Brinley, Ezekiel M. Patterson, or a majority of them, shall be commissioners to receive subscriptions and distribute the capital stock, in said company, who shall open a book or books for such subscriptions, at such time and place as to them, or a majority of them, may seem proper. Commissioners to open books of subscription.

3. *And be it enacted*, That the affairs of said company shall be managed and directed and conducted by a president and four directors, being stockholders, a majority of whom, with the president, shall be citizens of this state and resident in Perth Amboy, who shall hold their office for one year and until others are elected in their stead; the president and first directors shall be elected at a meeting of the stockholders to be called by the commissioners, or a majority of them, on public notice of at least five days before the time of such meeting, by Election of directors.

advertisements put up in five or more public places in Perth Amboy; and thereafter, the president and directors shall be elected annually by the stockholders, on like notice; every stockholder shall be entitled to a vote for each share of stock held by him, and may vote in person or by proxy.

Duties and powers of president and directors.

4. *And be it enacted*, That the president and directors shall have power to make and establish such by-laws, rules and regulations, for the management and disposition of the affairs and property of the company, as may be deemed meet and necessary for the purposes of this act, not inconsistent with the laws and constitution of this state, or of the United States, and the same to alter and repeal; they shall have power to appoint such officers and agents as they may think proper, and to remove them at their pleasure, and also to fill any vacancy which may occur among the said president and directors, by death, resignation, or otherwise.

Amount of capital stock.

5. *And be it enacted*, That the capital stock of the said company shall not exceed fifty thousand dollars, to be divided into shares of twenty-five dollars each; that five dollars shall be paid upon each share on subscribing, and the remainder in monthly instalments of five dollars, until the whole be paid; and the said company may commence operations as soon as one hundred shares shall have been subscribed; and thereafter the said president and directors may receive further subscriptions, for such part of the balance of the said capital, as they may deem necessary, and may ask and demand from the subscribers, payment for the same, in monthly instalments as aforesaid, upon the penalty of forfeiture of the shares and all previous payments made thereon.

Stock transferable.

6. *And be it enacted*, That the capital stock of the said company shall be deemed personal estate, and shall be transferred in such manner as the by-laws of the company shall direct.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case an election of president and directors shall not be made at the time when pursuant to this act it ought to be made, the corporation or company shall not in that case be deemed to be dissolved, but it shall be lawful to make such election at such other time as may be provided by the by-laws of the company.

8. *And be it enacted*, That the said president and directors shall, at the annual meeting of the stockholders, make and exhibit a full and true account of their operations, and of the affairs of the company; and from time to time make a dividend of the profits arising thereon. Annual statement to be made.

9. *And be it enacted*, That the rates of ferriage on and across the said ferry and ferries, shall be fixed and regulated by the board of chosen freeholders of the county of Middlesex, as provided by law. Rates of ferriage.

10. *And be it enacted*, That this act shall take effect immediately, and may be also altered or amended by the legislature, from time to time, or repealed. Act when to take effect.

Approved March 1, 1853.

CHAPTER LXXXIII.

AN ACT supplementary to the act entitled "An act to incorporate the Mount Holly and Moorestown Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Mount Holly and Moorestown Turnpike Company, be and the same is hereby authorized to construct a turnpike road, from some point at or near "Five Mile Point," on the Moorestown and Mount Holly road, by the way of Centreton, to the village of Rancocas, all in the county of Burlington; and in every particular as to manner of laying out said turnpike road, constructing thereof, and collecting tolls on the same, said company shall be governed, as well as in every other particular applicable to the case, by the act incorporating "The Mount Holly and Moorestown Turnpike Company," to which this is a supplement. Company authorized to construct road from Five Mile Point to Rancocas.

Proceedings in case company fail to make road.

2. *And be it enacted*, That should the said company, designated above in the first section of this supplementary act, not commence said road on or before March first, eighteen hundred and fifty-four, and not complete said road, viz: from "Five Mile Point" to Rancocas, as aforesaid, on or before March first, eighteen hundred and fifty-five, then it shall be lawful for the Beverly and Mount Holly Plank Road or Turnpike Company, to make a turnpike road from said village of Rancocas, to any point on said road leading from Moorestown to Mount Holly, within three years thereafter, viz: to be completed on or before March first, eighteen hundred and fifty-eight; and the said Beverly and Mount Holly Plank Road or Turnpike Company, shall on that event be governed in every particular as to laying out and making said road and in collecting tolls on the same, as well as in every other particular application to the case, by the act incorporating said Beverly and Mount Holly Plank Road or Turnpike Company.

Approved March 1, 1853.

CHAPTER LXXXIV.

AN ACT to incorporate "The West Jersey Glass Manufacturing Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Baker Johnson, William Culp, Robert Impson, William Bowman, S. V. R. Cale, John E. Johnson, Joshua Bishop, Peter Bankerd, Cornelius Peacock, John J. Githens, Allen Miller, William M. Bodine and Joseph O. Johnson, their associates and successors, are hereby constituted a body corporate and politic in law, by the name of "The West Jersey Glass Manufacturing Company," for the purpose of manufacturing glass, and carrying on the business incident to such manufacture.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, not exceeding in value the sum of fifty thousand dollars, and may dispose of the same, and shall have all the powers enumerated, and be subject to the liabilities contained in the act entitled "An act concerning corporations," approved February fourteen, eighteen hundred and forty-six, so far as the same are applicable. What real estate may be held.

3. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, a majority of whom shall reside in this state, who shall hold their offices for one year; and the said directors shall be chosen at an election to be held on the first Tuesday in July in every year, at such place as shall be directed by the by-laws of the said corporation; and public notice shall be given of such elections, not less than ten days previous thereto, in one or more newspapers printed in the county wherein the manufactory of said company is located; and each stockholder shall be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, until other directors shall be chosen by the stockholders; the first directors shall be Baker Johnson, William M. Bodine, Joseph O. Johnson, William Culp, John J. Githens, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in July next, or until others are legally chosen. Annual election of directors.

4. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; but as soon as the sum of twenty-five thousand dollars Amount of capital stock.

of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence business, and with that capital, conduct and carry it on, until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after notice of such call and demand shall have been published for the space of thirty days, in one or more newspaper published in the county of Camden.

Subscriptions to be opened.

5. *And be it enacted*, That the subscription for the said stock shall be open for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be held on the day that, pursuant to this act, it ought to be held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws of said corporation.

Books of account to be kept.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall have been entered or registered in the books to be kept by the president and directors for that purpose.

Stock transferable.

8. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends shall be made among the stockholders, except out of the nett profits of the said corporation.

Proviso.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders, specially convened for that purpose; *provided*, at least three fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders representing at least one half the stock, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid. Company may be dissolved. Proviso.

10. *And be it enacted*, That this act shall continue and be in force for a period of thirty years. Limitation.

Passed March 2, 1853.

CHAPTER LXXXV.

AN ACT to change the name of the "First Independent Presbyterian Church of Paterson, with free seats."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "First Independent Presbyterian Free Church of Paterson, with free seats," be and the same is hereby changed to the "First Congregational Church of the city of Paterson," and by that name the same shall be deemed a body politic and corporate, possessing the usual powers and privileges of an incorporated religious denomination; and that the real and personal estate now belonging to said church, be and the same is hereby vested in Benja- Name of corporation changed.

min Crane, Wright Flavell, William Moore, George Smith, James Johnson, George E. Sawyers, and Abraham Garrison, and their successors who may be by the society of said church legally elected trustees thereof, in trust for said society.

Approved March 3, 1853.

CHAPTER LXXXVI.

AN ACT relative to the field books and maps of the partition of the common lands in the township of Bergen, made by the commissioners appointed by two acts, passed respectively, December seventh, A. D., seventeen hundred and sixty-three, and August twenty-sixth, A. D., seventeen hundred and eighty-four.

Clerk of Hudson to deliver books and maps.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the county of Bergen is hereby authorized and required to demand of, and to receive from the clerk of the county of Hudson, and the clerk of the county of Hudson is hereby directed and required to deliver the field books and maps of the partition of the common lands of the township of Bergen, to the clerk of the county of Bergen, who, upon such delivery, shall give a receipt therefor to the clerk of the county of Hudson; and said field books and maps shall hereafter remain and be kept in the office of the clerk of the county of Bergen, and shall have the same force and effect as if the act relative thereto, approved March third, eighteen hundred and forty-eight, authorizing and directing their removal from said office, had not been passed.

Former act repealed.

2. *And be it enacted*, That the said act, approved March third, eighteen hundred and forty-eight, be and the same is hereby repealed.

Secretary of state to deliver books and maps.

3. *And be it enacted*, That the clerk of the county of Hudson is hereby authorized and required to demand of and re-

ceive from the secretary of state of this state, all the field books and maps of the partition of the common lands of the township of Bergen, now in the office of said secretary, who is hereby directed and required to deliver them to said clerk of the county of Hudson, who, upon such delivery, shall give a receipt for the same to said secretary of state; and said field books and maps shall be filed by said clerk in his office, and shall thereafter remain and be kept in the office of the clerk of the county of Hudson, who shall have the custody thereof; and all persons shall at all proper times have access thereto, and be entitled to copies thereof, upon paying the same fees as are by law required to be paid for searches in and copies from the records of deeds.

4. *And be it enacted*, That this act shall be taken and consid- Public act.
ered a public act, and shall take effect immediately.

Approved March 3, 1853.

CHAPTER LXXXVII.

AN ACT to authorize the conveyance of certain real estate in the city of Newark.

WHEREAS, certain lots of land within the city of Newark have Preamble.
heretofore been given, bequeathed or purchased, and school houses have been erected thereon by voluntary subscription, to wit: a lot of land in Market street, and a school house thereon, known as the Market street school house; a lot of land in Fair street, and a school house thereon, known as the Fair street school house; a lot of land on the south-east corner of New and Halsey streets, and a school house thereon, known as the Union school house; and a lot of land on the south-east corner of Orange and Essex streets, and a school house thereon, known as the Washington school

house; and whereas, the donors and subscribers to the funds for the erection of said school houses have, with few exceptions, departed this life, and the objects which they had in view have in a great degree been frustrated, and may be best promoted by securing said lots of land and school houses thereon for the occupancy of the public schools of the city of Newark.

Trustees authorized to make conveyance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acting trustee or trustees, or persons having the control or possession of the several school houses mentioned in the preamble to this act, be and they are hereby authorized and empowered in their discretion, to make, execute and deliver a deed or deeds of conveyance for said lots of land and premises, to the mayor and common council of the city of Newark, of the lots and school houses of which they are, respectively, such acting trustee or trustees, or have the control of as aforesaid, which deed or deeds of conveyance shall vest in the mayor and common council of the city of Newark, a good and valid title to said real estate, as against said acting trustee or trustees, or any persons claiming title to the said premises, so long as the same are used by the said, the mayor and common council of the city of Newark, exclusively for the purposes of education.

Approved March 3, 1853.

CHAPTER LXXXVIII.

AN ACT to incorporate the Hackensack Plank Road Company.

Stockholders incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Hackensack Plank Road Company.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each, and shall be deemed personal property, and shall be assignable and transferable in such manner as shall be prescribed in and by the by-laws of said corporation; and it shall be lawful for said company to grant certificates of stock, in full or part payment for the real and personal rights and estate which they are authorized to purchase and hold, and by its by-laws the said company may compel the payment of instalments, not exceeding five dollars at any one time, on each share not deemed or declared full stock; and on failure to pay any instalments it may forfeit the stock and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand, in three of the most public places in the village of Hackensack, and in one newspaper circulated in the county of Bergen.

Amount of capital stock.

Payment of instalments.

3. *And be it enacted*, That Garret G. Ackerson, Robert Rennie, Henry Hopper, Albert G. Doremus, Garret M. Anderson, Tunis Banta, Thomas Schnebly, and John A. Zabriskie, shall be the first directors to organize and manage the affairs of said company, and shall continue in office until others are elected or appointed in their stead, and that the above named persons shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, as they, or a majority of them, may think proper, and as soon as five thousand dollars shall be subscribed, to give notice for a meeting of the stockholders to choose seven directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote, and the above named persons, or a majority of them, shall appoint the inspectors of the first election of directors of the said corporation, who shall certify, under their hands, the names of those persons duly elected, and the above named persons shall thereupon deliver to the said directors, the subscription books, papers, and effects of the corporation; and the directors chosen at such meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a pres-

Commissioners to receive subscription.

Election of directors.

ident, and in case of the death, resignation, or removal of the president or any of the directors, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them.

Charter not defeated for failure to elect on day prescribed.

4. *And be it enacted*, That if, from any cause, an election of directors shall not take place at the time appointed for the annual election, the failure shall not cause a forfeiture of this charter, but a new election may be called in conformity with the by-laws of said company, and the laws of the state in such cases made and provided.

Company authorized to construct road.

5. *And be it enacted*, That the president and directors of said company are hereby authorized and invested with all the rights and powers necessary and expedient to lay out and construct a plank road from the village of Hackensack, in the county of Bergen, to the island of Moonachy, in said county, and to intersect with the Paterson and New York plank road, at or near the house formerly owned by John B. Vreeland, on said island of Moonachy; said plank road not to exceed three rods in width at any place; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter at all times, upon all lands and waters, for the purpose of exploring, leveling, surveying, and laying out the route of such plank road, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to do all other things which may be suitable and necessary for the completion and repairs of said plank road, and to carry into full effect the objects of this act, subject to such compensation, and upon such terms as are hereinafter provided for in section nine.

Proceedings in case company and owners cannot agree.

6. *And be it enacted*, That if the said company, or its agent or agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of

the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which the lands are situate, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners, hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than twenty days to be given, to the persons interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land and damages aforesaid; which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal, the verdict of the jury, and the judgment of the court thereon, and a copy thereof, certified by the clerk of said

county, the damages found or assessed with the costs adjudged being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land; and either of the judges of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

7. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands lie, at the first term after the filing of the said report, by proceeding in form of petition to said court; which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanneled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against said company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in contro-

versy, or into the court of common pleas, to the clerk thereof, in the county in which the said lands are situate; and from the owner or owners of land not in controversy, they shall obtain consent in writing before they enter upon or break ground on the premises, except for surveying or laying out said road; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof, receive the same, without being thereby debarred from the appeal hereby provided for. Proviso.

8. *And be it enacted*, That the said corporation may use any portion of the road known as the Moonachy road, by and with the consent of all the land holders along or contiguous to such portion of said road as shall be taken by said corporation; and if the owners of such lands shall refuse their consent, then and in that case such road shall first be vacated according to law. Corporation may use Moonachy road.

9. *And be it enacted*, That as soon as the said company shall have constructed the said plank road, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling thereon, not to exceed the following rates per mile: Rates of toll.

For every carriage, sleigh, or sled, drawn by one beast,	two cents.
For every additional beast,	one cent.
For every horse and rider,	one cent.
For every led horse or mule,	one cent.
For every dozen of horses, mules, or cattle,	five cents.
For every dozen of calves, sheep, or hogs,	two cents.

And it shall and may be lawful for the toll gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman Proviso.

passing to or from any training on a muster day appointed by law, or any other military officer or soldier, passing or repassing, when called to do duty by the laws of this state or of the United States.

Mile stones or posts to be erected.

10. *And be it enacted*, That before the said company shall receive toll for traveling on said plank road, they shall cause posts to be erected and maintained, one for each and every mile of the same, and on each post shall be fairly and legibly marked the distance of said post from Hackensack; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs;" and if any person shall wilfully break down or deface any of the mile stones or posts so erected on the said road, for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or direction, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of debt or other proper action, by the said company, for the recovery of damages for the same, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, shall turn out of the said road to pass a gate or gates on private grounds adjacent thereto, and again enter thereon so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for injuring works.

Penalty for taking illegal toll.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall receive and demand more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unnecessarily hindered and defrauded.

12. *And be it enacted,* That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing direction, leaving the other side of the same free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit. Penalty for obstructing passage.

13. *And be it enacted,* That if the said company shall not keep the said plank road and bridges which now or may be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county in which such bridge or road is situated, the said judge shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, either of said townships, which three persons, being disinterested in the said plank road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said plank road or bridge so complained of, and report to the said judge, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept in; and if the report be unfavorable to the said plank road, the said judge shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, to open the said gate or turnpike, exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to Proceedings in case road and bridges are not kept in repair.

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be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said plank road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the same fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable freeholders of the township or townships who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualfied.

Commencement and completion of road

14. *And be it enacted*, That if the said road shall not be commenced within three years, and completed and in use in six years from the fourth day of July next ensuing, then and in that case this act shall be void.

Restrictions and liabilities.

15. *And be it enacted*, That the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 3, 1853.

CHAPTER LXXXIX.

AN ACT relative to habitual drunkards.

Court may issue writ of lunatico inquirendo.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the court of chancery to issue a commission, in the nature of a writ de lunatico inquirendo, as heretofore practised and allowed, and returnable thereto, to inquire into the habitual drunkenness of any person in this state, having real or personal estate therein, and in case of habitual drunkenness found, by reason of which such habitual drunkard has become incapable of managing his estate, or is wasting the same, the chancellor shall cause to be transmitted to the orphans' court of the county where such habitual drunkard may reside, a certified copy of all proceedings which may be had thereon, which shall be recorded and filed in the surrogate's office of said county, and thereupon the said orphans' court, upon application for that purpose, is hereby directed and required, to appoint a guardian or guardians for such habitual drunkard, who shall have the same power over the estate of said habitual drunkard, and perform the same duties, and be subject to the same liabilities, as are conferred on and required of the guardian of an idiot or lunatic by the act entitled "An act concerning idiots and lunatics," approved April sixteenth, eighteen hundred and forty-six.

Distribution of property in case of death.

2. *And be it enacted*, That upon the death of any such habitual drunkard, intestate or without any will, except such as was executed during the existence of said inquisition, his personal estate shall be distributed according to law among his next kin, and his land shall descend and go to his heirs.

Sale of lands.

3. *And be it enacted*, That the like powers are hereby conferred on the orphans' courts, and the like proceedings shall be had relative to a sale of timber or lands of an habitual drunkard, as are required in the act entitled "An act concerning idiots and lunatics," aforesaid.

Property vested in guardian.

4. *And be it enacted*, That after such inquisition found as aforesaid, and until the same be determined, such habitual drunkard shall be divested of all power and control over and

legal estate in his property, real, personal, or in action, and the same shall be vested in his guardian in trust for him, and no contracts made by him shall bind either his person or estate.

Petitions for inquisition.

5. *And be it enacted*, That no petition for an inquisition as aforesaid, by a wife against her husband, or by a child against his or her parent, shall be received or acted on.

Penalty for selling intoxicating liquors.

6. *And be it enacted*, That if any innkeeper, distiller, grocer, or other person, shall receive notice from the guardian of the estate of an habitual drunkard, not to furnish or supply him with intoxicating liquor, and shall after such notice sell, or in any manner furnish or supply any intoxicating liquor to such drunkard, or any person for him, every person so selling or furnishing shall forfeit and pay the sum of ten dollars, for each and every time he or they may sell or furnish the same, to be recovered in an action of debt, one half to any person who shall sue for the same, and one half to the overseers of the poor of the township in which suit may be brought.

Property may be restored.

7. *And be it enacted*, That it shall be lawful for the chancellor, on petition by the party setting forth that he is reformed and has become habitually sober, and has continued so for one year next preceding, to take proof of the fact, and if he shall be satisfied of the truth of the allegation in such petition, to make an order that the commission issued, and inquisition taken thereon, and proceedings relating thereto, be altogether superseded and determined; and in case the inquisition aforesaid shall be superseded and determined, his estate shall be restored to him.

Approved March 3, 1853.

CHAPTER XC.

A supplement to the act entitled "An act to incorporate the Belvidere and Water Gap Railroad Company," approved February twenty-first, eighteen hundred and fifty-one.

Stock may be consolidated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the "Belvidere and Water Gap Railroad Company" to consolidate the stock of the said company with the stock of any railroad company now formed, or hereafter to be formed, with which their road may connect; *provided always*, that if any of the stockholders of the said Belvidere and Water Gap Railroad Company shall, within three months from the passage of this act, disagree thereto, and express their dissent in writing, then it shall be the duty of said company to pay or deliver to such person or persons the money or securities given by him or her for said stock, with interest, on the transfer thereof to said company.

Proviso.

Approved March 3, 1853.

CHAPTER XCI.

A supplement to the act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved March twelfth, eighteen hundred and fifty-one.

Company authorized to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the president and directors of the Freehold and Jamesburg Agricultural Railroad Company to extend their said road from its present terminus near Dean's pond, on the line of the rail-

road running from Trenton to New Brunswick, to some point at or near the village of Six Mile Run, in the county of Somerset, if the said president and directors deem the said extension advantageous to the said company, and the same shall be approved by a majority of the stockholders thereof.

Approved March 3, 1853.

CHAPTER XCII.

A further supplement to the act entitled "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six.

Additional commissioners may be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, be and he hereby is authorized, by and with the advice and consent of the senate, to name, appoint and commission, two commissioners in the city of New York, one commissioner in the county of Philadelphia, one commissioner in the state of Georgia, one commissioner in the state of Ohio, in addition to those now authorized by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1853.

CHAPTER XCIII.

A further supplement to the act entitled "An act to incorporate the Woodbury and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine.

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the company incorporated by the name and style of "The Woodbury and Camden Turnpike Company," shall hereafter be called and known by the name of "The Camden and Gloucester City Turnpike Company."

2. *And be it enacted*, That the number of directors of said company is hereby reduced to five.

Approved March 3, 1853.

CHAPTER XCIV.

A supplement to the act entitled "An act to register mortgages."

Assignments of mortgages to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks of the several counties of this state, be and they are hereby authorized to record, in suitable books to be provided for that purpose, any assignment of any mortgage upon lands within their respective counties, the same having thereon such certificate of the acknowledgment or of the proof of execution thereof, as is or may be by law required for recording of deeds, which certificate shall be recorded therewith; and such recording shall be notice from the time such assignment is left for that purpose, to all persons concerned, that said mortgage is so assigned; and the assignee

of any mortgage by an assignment or assignments not recorded, shall be bound by the proceedings and sale, in any foreclosure suit against any previous holder.

Fees for recording, &c.

2. *And be it enacted*, That such assignments shall be properly indexed, and the records and certified copies thereof shall be evidence, in the same manner and in like cases as the record of deeds; and the clerk shall be entitled to the same fees for recording such assignments and for copying such records, as for recording and copying deeds, and for every search, five cents for each book.

Payments to assignor when assignment is not recorded.

3. *And be it enacted*, That when any assignment hereafter made is not recorded, as in this act provided, any payments made to the assignor in good faith, and without actual notice of such assignment, and any release of said mortgaged premises, or any part thereof, to a person not having actual notice of such assignment, shall be as valid as if said mortgage had not been assigned.

Approved March 3, 1853.

CHAPTER XCV.

A supplement to the act entitled "An act respecting prosecutors of the pleas of this state."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act to which this is a supplement, as requires that the person to be appointed prosecutor of the pleas of the state for any county, shall be a counsellor at law, so far as relates to the county of Ocean, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1853.

CHAPTER XCVI.

A supplement to the act entitled "An act for the preservation of deer and other game, and to prevent trespass with guns."

Deer not to be killed in certain counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons within the counties of Burlington, Ocean and Atlantic, to hunt, watch for deer with gun, or set on any dog or dogs to drive deer, or kill the same, for the term of five years from the passage of this act.

Penalty for offending.

2. *And be it enacted*, That every person offending against the provisions of this act, shall forfeit and pay for the first offence the sum of twenty dollars, to be recovered in any court of competent jurisdiction, to the use of any person who may sue for the same; and shall for the second offence, on conviction thereof, undergo an imprisonment in the county jail not to exceed thirty days.

Part of former act repealed.

3. *And be it enacted*, That the provisions of the original act, to which this is a supplement, be and they are hereby repealed, as far as the same conflict with the provisions of this act.

Approved March 3, 1853.

CHAPTER XCVII.

A supplement to an act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six.

Proceedings in case of absent defendants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the heirs or devisees of land situate within this state, or any of them, against whom a summons shall issue in any suit against such heirs or devisees

as such as shall reside out of this state, or cannot be found within the same in order to be served with such writ, the sheriff of the county in which the said land or any part thereof may lie, shall so return, and upon an affidavit being made to the satisfaction of the court out of which said summons issued, or of any judge thereof in vacation, showing the residence as nearly as may be of such absent defendant or defendants, a rule of the court shall be made, signed by said judge, if done in vacation, and filed, that the said absent defendant or defendants do appear to the said writ on or before a certain day to be prescribed by said court or judge, not less than two months from the time of making said rule, a copy of which rule shall be served on the absent defendant or defendants within thirty days from the time of making the same, or published for four weeks successively, once at least in each week, the first publication to be made within twenty days from the time of making such rule, in some newspaper published in the county where the said land or any part thereof lies, or if there be no such newspaper, then in any newspaper of this state, circulating in the said county, and also if the court or judge shall so order in such other newspaper of the United States, as the said court or judge shall direct.

Proceedings in case absent defendants do not appear.

2. *And be it enacted*, That if the absent defendant or defendants do not appear within the time limited by the rule aforesaid, upon due proof of the service or publication thereof, judgment by default shall be rendered against him, her or them, provided a declaration shall have been duly filed, which said judgment may be entered in vacation, and if the absent defendant or defendants do appear and enter an appearance in person, or by attorney, in the clerk's book, he, she or they shall, the plaintiff having filed a declaration, plead thereto within thirty days from the expiration of the time limited by the said rule, or within such further time as the court or any judge thereof may think proper to grant, by a rule if done in vacation, signed by said judge and filed, and on failure thereof judgment by default shall be rendered, which said judgment may be entered in term or in vacation.

Approved March 3, 1853.

CHAPTER XCVIII.

AN ACT to incorporate the Mount Holly Hotel and Arcade Company.

WHEREAS, it is represented to the legislature of the state of New Jersey, that in the year of our Lord one thousand eight hundred and thirty-seven, Peter C. Stryker, John Irick, John Black, Abraham Brown, (since deceased,) James Langstaff, Jesse Richards, John Woolstan, (since deceased,) Joseph Decon, Job Irick, (since deceased,) John S. Irick, Samuel B. Finch, Timothy Pharo, Bowes Reed Brown, (since deceased,) Samuel Sager, (since deceased,) Richard Campion, (since deceased,) James Logan, John L. Stratton, (since deceased,) Samuel W. Budd, William Irick, John L. McKnight and Samuel A. Pancoast, all of the county of Burlington, and Thomas J. Stryker, of the county of Mercer, became the owners in fee, as tenants in common, of all that tavern house and row of buildings called the Arcade, and the lot on which the same are situate, lying on the west side of High street, in said county of Burlington, and now in the occupancy of Richard S. Humphreys, Samuel Risdon, and others; and whereas, several of the persons who are named above as having died, died intestate, leaving minor children, by reason whereof an application to the orphans' court of said county, for a partition of said real estate, became necessary, which resulted in a sale of said property, at which sale it was purchased for the original surviving owners or their assigns; and whereas, it is desirable to avoid the expense and delay of future applications to said orphans' court, for a partition in case of the death of one or more of said owners; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas J. Stryker and Caleb Sager, of the county of Mercer, John L. McKnight, John Black, John Irick, William Irick, John S. Irick, James Logan, Joseph Campion, John Wardell Brown, Charles Brown, Charles Names of incorporators.

M. Harker, Timothy Pharo, David B. Cole, William H. Irick, Samuel W. Budd, George Gandy, Benjamin H. Stratton, and John L. N. Stratton, of the county of Burlington, and Samuel B. Finch, of the city of Philadelphia, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "The Mount Holly Hotel and Arcade Company."

Annual election of directors.

2. *And be it enacted*, That the stockholders of said company shall meet annually, on the second Wednesday of March, at Mount Holly, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in Mount Holly, and shall then and there proceed to elect by ballot, five directors, to serve for the term of one year, and until others are chosen in their places; and said election shall be made by such stockholders as shall attend for that purpose, either in person or by proxy, each stockholder to be entitled to one vote; the directors so chosen shall elect one of their number to be president of the board of directors of said company; and in case of vacancy or absence, the office shall be filled by such person or persons as the remainder of the directors, or a majority of them, may appoint; the first election for directors shall be held on the second Wednesday of March, eighteen hundred and fifty-three, at the house of Richard S. Humphreys, in Mount Holly, at twelve o'clock, noon, of said day; if an election shall not be held at the time so appointed, the said corporation for that cause shall not be considered as dissolved, but said election may take place at any future time, upon due notice as aforesaid, being given.

Lots of land and premises to be conveyed to company.

3. *And be it enacted*, That as soon as the said company shall be organized, and John L. N. Stratton, who purchased the property at the sale above mentioned, shall receive a deed for the same, the said John L. N. Stratton shall convey to the said company, by their corporate name, the said lot of land and premises as aforesaid; and the said company are hereby authorized at any time hereafter to purchase and hold land adjoining them, on either side.

Duties and powers of directors.

4. *And be it enacted*, That the said directors shall have full power to make by-laws, and appoint such officers and agents as they shall deem expedient for the well conducting and trans-

acting the business of the company, to declare and provide for the payment of dividends to the stockholders, and in general to superintend the business and concerns of the company; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or the United States. Proviso.

5. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with liberty to the said company to increase the same to forty thousand dollars, and shall be divided into shares of one hundred dollars each, and such shares shall be deemed personal property, transferable in such manner as the by-laws shall direct. Amount of capital stock.

6. *And be it enacted*, That this act shall take effect immediately.

Approved, March 4, 1853.

CHAPTER XCIX.

AN ACT to incorporate the Mount Holly Telegraph Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William K. Huffnagle, John R. Slack, Charles Bispham, John W. Brown, and George Haywood, and their associates, and all other persons who shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Mount Holly Telegraph Company," and by that name they, and their successors and assigns, shall and may have continued succession, and shall be persons in law capable of sueing and being sued, pleading and being impleaded, complaining and defending, answering and being answered unto, in all courts and places whatsoever; and shall have power to make and use a common Names of corporators. General powers.

seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient to the objects of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be five thousand dollars, which shall be divided into shares of twenty-five dollars each, which shares shall be deemed personal property, and shall be transferable in such manner as said corporation shall by their by-laws direct, with the privilege of increasing said capital stock to the sum of ten thousand dollars.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving public notice thereof by advertisement, to be previously inserted, for at least two weeks, in a public newspaper printed in Mount Holly, in the county of Burlington, in this state, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and the sum of five dollars upon each share so subscribed, shall be paid by each subscriber at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners, and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of said company, to be appointed as hereinafter directed, first deducting a reasonable compensation for their services and expenses; and all the powers of the said commissioners shall cease upon the appointment of such board of directors; and the said board when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed shall amount to the sum of ten thousand dollars.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors, to be selected from among the stockholders, and as soon as conveniently may be after three fourths of the said capital stock shall have been subscribed, the before named commissioners or a majority of them shall convene the said stockholders, by public notice to be published for at least two weeks in a public newspaper printed at Mount Holly aforesaid, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the last Saturday in April, eighteen hundred and fifty-four; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners or a majority of them shall appoint inspectors of the first election of directors, which inspectors shall certify under their hands, the names of the persons duly elected; and that annually thereafter on the last Saturday in April in each year, upon like notice being given by the directors for the time being, the stockholders shall in the same manner, elect the same number of directors, and the directors for the time being shall appoint inspectors for the next election; and said directors shall annually, as soon as may be after their election, choose out of their own number a president; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year by the board of directors; and in case of the absence of the president, the said board of directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said corporation shall provide.

Annual election of directors.

Vacancies.

5. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made at the time when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Payment of instalments.

6. *And be it enacted*, That three of said directors shall constitute a quorum for transacting business; and the board of directors shall have power to call in the capital of said company by instalments, as the same shall be required, on thirty days' notice by advertisement, inserted in one of the newspapers published in Mount Holly aforesaid, and in case of the non-payment of any of the said instalments within ten days of the time specified, to declare forfeited to the company the share or shares on which default shall have occurred, with the previous payments thereon; and they shall also have power to appoint such officers as may be necessary for the management of the concerns of said company, and to make from time to time such by-laws, rules and regulations, as to them shall seem meet, touching the management and regulation of the stock, property, estate and effects, of said corporation; *provided*, that such by-laws, rules and regulations, shall not be repugnant to this act, or to the constitution and laws of this state or of the United States.

Proviso.

Directors authorized to construct line of telegraph.

7. *And be it enacted*, That the directors of said company shall be, and they are hereby invested with all the rights and powers necessary to survey, lay out, construct and use, a line of magnetic telegraph, from Mount Holly aforesaid, through the city of Burlington and the borough of Bordentown, to Trenton, for the purpose of transmitting intelligence from Mount Holly to Trenton, and the intermediate places on said route, and shall also have power to contract with any other telegraph companies, for the transmission of communications over their lines to and from the cities of Philadelphia and New York; and shall also have power, if the said board of directors shall deem the same necessary and useful, to make, construct and use, a connecting or side line from the city of Burlington to the city of Camden, on the most eligible route.

Company authorized to hold such land as may be necessary.

8. *And be it enacted*, That it shall be lawful for the said company, or their agents, to enter at all times, upon all lands, public roads and waters, for the purpose of exploring, surveying or laying out the route of such line of telegraph, and of locating the same, doing no unnecessary injury to private or other property; and when said route shall have been determined upon, and a survey thereof deposited in the office of the

secretary of state, then it shall be lawful for the said company to contract for and acquire the fee simple, or any lesser estate or interest, in the lands which may be needed for said work, and upon obtaining such lands, or such interest therein as shall be requisite, may proceed to construct and use said telegraph, and may erect and construct works, edifices, fixtures and structures, along and across any of the roads, highways, streets, and waters in this state, along or across which they shall convey their wires, the said works to be so placed as not to interfere with the common use of such roads, highways, streets or waters, and they may use either one continuous line of wires, terminating at intermediate places, or more, at their discretion.

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall wilfully injure, destroy or obstruct the use of any telegraph constructed by virtue of this act, by the said company, or any of their necessary works, the person or persons so offending, shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages, by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

No charge for messages on business of state.

10. *And be it enacted*, That it shall be the duty of the said company, at all times, without charge, on request of any public officer of this state, to transmit, (confidentially if required) across their line of telegraph, messages relating to the public business of this state, and also at all times to assist the police officers of the state by the transmission of intelligence, and no other tax or duty shall be imposed on said company.

Not to engage in banking.

11. *And be it enacted*, That no part of the funds of the company shall, at any time, be used in banking operations, or for any purpose whatever, inconsistent with the provisions of this act.

Public act.

12. *And be it enacted*, That this act shall be a public act, and take effect immediately; and shall be judicially referred

to and taken notice of by all courts and persons, without being specially pleaded.

Approved March 4, 1853.

CHAPTER C.

AN ACT to protect fish in the waters of Black river, Rockaway river, and the Stanhope reservoir, within the boundaries of the counties of Morris and Sussex.

Penalty for taking fish in places therein named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, if any person or persons whosoever shall take, catch, kill, or otherwise destroy any fish in the waters of Black river, within the boundaries of the county of Morris, in this state, or in any part of the waters of the reservoir at Stanhope, at the foot of plane number one west, on the Morris canal, or in the Rockaway river, in the county of Morris, by means of, or with any seine, fike net or other net, or any spear or wear, every person or persons so offending shall forfeit and pay for each and every offence, the sum of ten dollars, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit, by any person who shall prosecute for the same, the one moiety thereof to the use of the prosecutor, and the other moiety for the use of the poor, to be paid to the overseer of the poor of the township in which the offence was committed.

Manner of commencing suit.

2. *And be it enacted*, That in any action or suit for the recovery of any forfeiture, fine or penalty given or created in and by this act, the same may be commenced by warrant or summons, in the court for the trial of small causes, and proceeded in as in other cases, when therein commenced by warrant or summons, for the recovery of statutory fines, forfeitures or pen-

alties, any law, usage or custom to the contrary notwithstanding.

3. *And be it enacted*, That nothing in this act contained shall be construed to prohibit the owners of lands lying along said river, within the limits aforesaid, from fishing upon his or their own lands. Owners of land not prohibited &c.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CI.

AN ACT to authorize the erection of a draw or swing bridge over Rancocas Creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Burlington to build and maintain or permit to be built and maintained, a good and sufficient bridge over the north branch of Rancocas creek, in the town of Mount Holly, opposite the mouth of the Lumberton road; with a suitable draw or swing therein, which said draw or swing shall be at least twenty-two feet in width, for the convenient passage of all vessels navigating the said creek. Freeholders authorized to build bridge.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CII.

AN ACT to authorize the trustees of the Methodist Episcopal Church at Tom's River to sell the same.

Trustees authorized to sell church edifice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Azariah H. Ford, Stephen Gulick, William Gulick and Peter Okerson, trustees in trust, are hereby authorized to sell, at such time and place, and in such a manner as they or a majority of them may designate, the old Methodist church or meeting house at Tom's River, retaining the lot of ground on which the said meeting house stands, and now used or intended to be used as a burying ground, according to the intent and meaning of a deed given by Joseph Lawrence and Mary Elizabeth, his wife, dated the eighteenth day of June, one thousand eight hundred and twenty eight, for a certain lot of land known as the old burying ground, near Tom's River bridge, in the township of Dover, in the county of Ocean, in this state, to certain trustees in trust, for the uses and purposes set out in said deed.

Disposition of proceeds.

2. *And be it enacted*, That when such a sale shall take place, the proceeds thereof shall be appropriated to the liquidation of all just claims upon the aforesaid property, whether such claims have become outlawed by reason of the length of time since their contract or not, and the balance, if any, to the use of public schools, to build a school house in the fourth school district in the township of Dover.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CIII.

A supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Mayor and council authorized to borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where the mayor and common council of Jersey City are now authorized to make or levy any assessment, for any improvements in said city, they shall be authorized to borrow the amount of any such assessment in anticipation of the collection therefor, anything contained in the act to which this is a supplement, to the contrary notwithstanding.

Public act.

2. *And be it enacted*, That this act shall be deemed and taken as a public act, and take effect immediately.

Approved March 4, 1853.

CHAPTER CIV.

A further supplement to the act entitled "An act to incorporate the city of Newark."

Boundaries of eighth ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the Passaic river, due east from a point in the middle of Quarry street, at the easterly termination of said street; thence, running westwardly in a direct line, to said point in the middle of Quarry street aforesaid; thence, westwardly, along the middle of Quarry street to a point in the middle of the road leading to Orange, known as Orange street; thence, westwardly, along the middle of said

road or street to the boundary line between the city of Newark and the township of Orange; thence along the boundary line between the city of Newark and the townships of Orange, Bloomfield and Belleville, according to the several courses thereof, to the Passaic river; thence southerly along the Passaic river to the place of beginning, shall be and the same is hereby erected into and constituted a separate ward, to be called the eighth ward of the said city.

Powers and privileges.

2. *And be it enacted*, That the inhabitants of the said ward by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities, to which the inhabitants, respectively, of the other wards of the said city are or may be entitled or subject.

Annual elections.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted, on the second Tuesday of October, in every year hereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published, as prescribed in the fifth section of the act to which this is a supplement; at which election, two aldermen, (except as is hereinafter provided,) one assessor, one collector, one judge of election, two inspectors of election, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two commissioners of public schools, (except as is hereinafter provided,) and three constables, shall be chosen in the said ward hereby created from among the citizens residing therein, and entitled to vote at such elections; and the common council shall appoint a judge and two inspectors of election, and one person to be a clerk of such board of election in the said ward hereby created, under whose direction the first election in the said ward, to be held on the second Tuesday of October next for the election of city officers, shall be conducted; and the said elections shall be conducted in the same manner, and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the tenth section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of the board, for the first election to be held under this act; and the person ap-

pointed clerk of such board shall procure an election box for said ward, in like manner as therein prescribed; and the term of office of such officers as shall be elected under this section, shall commence on the first Tuesday after the first day of January in each and every year.

Aldermen to be divided into classes.

4. *And be it enacted*, That at the first or a subsequent meeting of the common council, after the first Tuesday after the first day of January next, the members elected for the ward hereby created shall be divided into two classes, one alderman of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday of October, in the year eighteen hundred and fifty-four and every year thereafter, the said ward hereby constituted shall elect one person as alderman of said ward, who shall hold such office for two years; and in case of the death, resignation or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

Commissioners of public schools.

5. *And be it enacted*, That at the first or a subsequent meeting of the board of education, after the first Tuesday after the first day of January next, the commissioners of public schools elected for the said ward hereby created shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and from and after the first Tuesday after the first day of January next, all the provisions of an act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, and of an act entitled "An act to incorporate the board of education of the city of Newark," approved February third, eighteen hundred and fifty-three, shall be construed to extend and apply to the said ward hereby created, in like manner, and to the same extent as to the other wards of the city of Newark.

Police justice.

6. *And be it enacted*, That there shall be in the said ward hereby created, one special police justice who shall be appointed by the Senate and General Assembly in joint meeting, and shall hold his office for the like term, and have the like powers and authority as the other special police justices in and for the said city.

Preceding sections when to take effect.

7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January, in the year eighteen hundred and fifty-four, to appoint one special police justice in the said ward who shall enter on the duties of his office, on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said ward, and the due conducting the first election under this act; and the clerk of the board for such election shall also provide in due season, before the said second Tuesday of October next, a proper election box for the use of the said ward as is hereinbefore enjoined.

Time of election changed.

8. *And be it enacted*, That the election directed by the first section of an act entitled "An act to alter the time of holding the charter election of the city of Newark," approved February twenty-third, eighteen hundred and fifty, to be held annually, on the day that now is or hereafter may be fixed for the election of members of the General Assembly of this state, shall hereafter be held on the second Tuesday of October in every year; and that the term of office of all persons elected at said election shall commence on the first Tuesday after the first day of January next after such election, and continue for the same time as is prescribed by the act to which this is a supplement and the supplements thereto.

Justices of the peace.

9. *And be it enacted*, That the justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for holding elections for officers of said city.

Common council may order streets to be graded, &c.

10. *And be it enacted*, That it shall be lawful for the common council of the said city, when in their opinion the same shall be requisite, after giving notice as hereinafter required, to order any street or section of a street to be graded, graveled, paved, flagged, macadamized, or otherwise improved or regulated, either in whole or in part, in such manner as they shall deem most advisable, under the supervision and direction of the

street commissioner, and to assess the expenses of the same among the owners of property on said street, or a section of a street, and that the expense of such grading, graveling, paving, flagging, macadamizing or other improvement, in front of each lot, shall be certified and sworn to by the street commissioner, and filed in the office of the city treasurer, and shall be and remain a lien upon the property in front of which the said work has been done, until the same shall be paid; and it shall be lawful for the said common council to enforce the payment of the said expenses in the same manner that is provided for the payment of the expense of side-walks in the third section of the act entitled "A further supplement to the act entitled 'An act to incorporate the city of Newark,'" approved February tenth, eighteen hundred and forty-seven, excepting that no advertisement of such intended improvement shall be necessary as therein required, and after any street or section of a street shall be once entirely paved or macadamized, according to the provisions of this section, the city shall take charge of and keep the same in repair without further direct assessment on the property on such street or section of a street.

Notice to be given of intention to make order.

11. *And be it enacted*, That no order shall be made by the common council, under and by virtue of the provisions of the foregoing section, until public notice shall be given of the intention of the common council to make such order as hereinafter specified; and to that end it shall be the duty of the street commissioner, by direction of the common council, to give notice in at least two of the public newspapers printed in the city of Newark, of the intention of the common council to make such order, requesting such persons as may object thereto, to present their objections in writing, at the street commissioner's office, on or before the expiration of twenty days from the date of such notice; and at any time thereafter, the common council may proceed to make such order as aforesaid.

Assessment of real estate.

12. *And be it enacted*, That all real estate in said city shall be assessed and taxed at its full value, and no deduction shall be made from such assessment by reason of any indebtedness of the owner thereof.

Rates of fare for hackmen, &c.

13. *And be it enacted*, That it shall be lawful for the common council to pass ordinances to license, regulate and establish rates of fare for hackmen and cabmen.

Driving cattle on Sunday.

14. *And be it enacted*, That it shall be lawful for the common council to pass an ordinance for the prevention of any person or persons driving any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and also to that end to impose fines not exceeding twenty dollars, and imprisonment not exceeding ten days.

Part of former act repealed.

15. *And be it enacted*, That the seventh section of the act entitled "A further supplement to the act entitled 'An act to incorporate the city of Newark,'" approved February twenty-eight, eighteen hundred and forty-nine, is hereby repealed, excepting so far as proceedings thereunder have been heretofore commenced; and that none of the provisions of this act shall be repealed by any general law not making express reference to the same.

Part of former act repealed.

16. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as limits the number of aldermen in and for said city to sixteen, the number of assessors and collectors, respectively, to four, and of constables, to twelve, and so much of said act or of any supplement thereto, or of any other act, as is inconsistent with or repugnant to the provisions of this act, be and the same are hereby repealed.

Act when to take effect.

17. *And be it enacted*, That this act shall take effect immediately, except so far as provision is made herein for certain parts of the same to take effect at a future day.

Approved March 4, 1853.

CHAPTER CV.

A further supplement to the act entitled "An act relative to the court of errors and appeals," approved April sixteenth, eighteen hundred and forty-six.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to the act entitled 'An act relative to the court of errors and appeals,'" approved April sixteenth, eighteen hundred and forty-six, which supplement was approved March twenty-fourth, eighteen hundred and fifty-two, be hereafter extended to all the members of the said court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CVI.

AN ACT to incorporate the Cape May and Atlantic Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen Colwell, Samuel Richards, William Coffin, Joseph Porter, Andrew K. Hay, Jesse Richards, William W. Flemming, Enoch Doughty, Jonathan Pitney, John C. Dacosta, Edmond L. B. Wales, Daniel E. Estell, Josiah S. Franklin, Hezekiah W. Godfrey, Joseph E. Potts, Abraham L. Iszard and Samuel S. Marcy, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Cape May and Atlantic Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tene-

ments, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with liberty to increase the same to one million of dollars, which shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscriptions.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they, or a majority of them, may think proper; and as soon as one hundred thousand dollars of said stock shall be subscribed, to give notice for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; the time and place for holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual election of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident and citizen of this state; and in case of the death, resignation or removal of the said president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

Election of directors.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to have been made, the said cor-

poration shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Payment of instalments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments, and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, they shall have the power to forfeit such share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company authorized to construct road

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point at or within six miles of the point where the road from Weymouth Furnace to Batsto crosses the line of the Camden and Atlantic railroad, in the county of Atlantic, to run through the counties of Atlantic and Cape May, terminating at or near the city of Cape Island, in the said county of Cape May; *provided always*, that it shall be lawful for the said company to make or construct a branch railroad from some convenient point on the said main road, to be determined on by the said company, to the Great Egg Harbor river, not exceeding one hundred feet in width for either branch or main road, except in such places where, from the depth of the excavation or the height of embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad; in which case, so much land as may be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and

Proviso.

it shall and may be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling or laying out the route or routes of such railroad or lateral and branch road, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road or lateral and branch road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road or lateral and branch road, subject to such compensation as is hereinafter provided;

Proviso.

provided always, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad or railroads may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall

cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the lands or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials and assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such land or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths and affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien

upon the property of the company in the nature of a mortgage; and the said justice of the said supreme court shall, on application of either party and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case the said company or owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court, at the next term after the filing of the said report, the court shall have power upon good cause shewn, to set the same aside and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Company to construct and repair bridges.

9. *And be it enacted*, That it shall be the duty of the said company, to construct and keep in repair good and sufficient

bridges or passages over or under the said railroad or railroads, where any public or other road shall cross the same, and to alter and grade the said roads so that the passage of carriages, horses and cattle passing and repassing shall not be impeded thereby, and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad, so that the same may be conveniently passed.

Rates for carriage and transportation.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, all machinery, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road which is usually weighed by the ton, or four cents per mile for carrying each passenger on said railway.

Proviso.

Semi-annual dividends.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper of the nett profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

What real estate may be held.

12. *And be it enacted*, That the said company may purchase, have and hold real estate, at the termini of their railroad, and at any intermediate depots upon the line of the same, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops and other buildings and improvements as they may deem expedient for the safety of property and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

Penalty for injuring works.

13. *And be it enacted*, That if any person or persons shall wilfully impair, injure, destroy or obstruct, the use of any rail-

road enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending, shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Annual statement to be made.

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president and treasurer of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds of said road, until the nett income of said road shall amount to seven per centum per annum upon the amount of its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday of January in each year;

Proviso.

provided, that no other tax or impost shall be levied or assessed upon the said company.

Corporation authorized to borrow money

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond or mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate

Proviso.

of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enfore the payment of any bond or mortgage executed under this section.

State may take road on payment of appraisement.

16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road, with the appendages thereof, to be made by six persons, three

of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or any three of the said six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint said three persons on their part, for two months after the said appointment by the said chief justice, then the said three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege for three years of taking said road, upon payment to the company of the amount of the said report, within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of the said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road and of all the receipts and disbursements of the company.

Time of commencement and completion of road.

17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the first day of August next, ensuing, that then and in that case this act shall be void.

Certain officers to pass free.

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney general, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 4, 1853.

CHAPTER CVII.

AN ACT authorizing the Burlington or Mattiniconk Island Land Association to build a bridge over the inner channel of the river Delaware, to connect Burlington or Mattiniconk Island with the city of Burlington.

Association authorized to construct bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Burlington or Mattiniconk Island Land Association to erect and build a bridge over the inner channel of the river Delaware, from some point along the south line of said island, opposite Burlington, to some point along the Delaware, and to plant and raise in said river, and such parts thereof as they may think proper, such and so many pillars, breakers and other works as they shall think necessary to sustain, support and protect the same; *provided, however*, the said company shall not locate their bridge on the Burlington shore, below a point one hundred feet east of the wharf of the Burlington and Mount Holly Railroad and Transportation Company.

Proviso.

Rates of toll.

2. *And be it enacted*, That it shall and may be lawful for the said company to exact, take, demand and receive of and from all persons whatsoever, passing over the said bridge so to be erected, when they shall enter upon the same, as well for themselves as for their horses, carriages, goods, wares and merchandize and every other article and thing carried, driven or drawn over the said bridge, any sum not exceeding the sums following, for tolls or fare, viz:

For every two horse pleasure carriage,	ten cents.
For every one horse pleasure carriage,	five cents.
For every loaded wagon,	ten cents.
For every mule and horse,	four cents.
For every foot passenger,	two cents.

Approved March 4, 1853.

CHAPTER CVIII.

AN ACT to incorporate the Somerville Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Doughty, William G. Steele, Albert Cammann, Culver Barcalow, and William Thomson and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Somerville Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places in the town of Somerville, in the county of Somerset, and to enter into and execute contracts, agreements or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof; *and provided also*, that it shall not be lawful for said corporation to charge or receive for their gas, any greater price than at the rate of four dollars per thousand cubic feet.

Names of corporators.

Objects of incorporation.

Proviso.

Proviso.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues or public grounds of Somerville, and to do all things necessary to light the said town of Somerville, and the dwellings, stores,

Company authorized to lay down pipes.

Proviso. and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross walks, public grounds, lands and avenues, shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commissioners to receive subscriptions. 3. *And be it enacted*, That Joshua Doughty, William G. Steele, Albert Cammann, Culver Barcalow and William Thomson, are hereby appointed commissioners for receiving subscriptions for the sum of forty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within this state, as they shall designate, by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed and published in the county of Somerset, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five dollars upon each share so subscribed shall be paid by each subscriber to the said commissioners, or a majority of them, at the time of subscription; and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners at the time of the said subscription, shall, by them or a majority of them, be paid over to the directors of the said company to be appointed as hereinafter directed, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors, and the said board when so appointed shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the said sum of forty thousand dollars, and are also authorized to call upon the said subscribers for the payment of further in-

stalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem most expedient, until the whole amount of said shares so subscribed shall have been fully paid; *provided*, that the said instalments shall be at least twenty days apart, and shall not be called for n larger sums than five dollars on each share, and at least ten days' notice of each instalment shall be given, in a newspaper published in Somerville aforesaid. Proviso.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors to be selected from the stockholders, all of whom shall be residents of Somerville, in said county of Somerset; and as soon as conveniently may be after twenty-five thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Monday in May, eighteen hundred and fifty-four; and the said directors shall choose, by plurality of votes, a president from among themselves, and such other officers as shall be provided for by the by-laws of said corporation, and the said directors and president and other officers shall hold their respective offices from the first Monday in May of every year, for one year, and shall be elected on the first Monday in May in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Somerville aforesaid; and in case of the death, resignation or removal of the president or any other officer, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide; and all elections for directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have Election of directors. Vacancies.

held, in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day appointed, the corporation shall not be dissolved for that cause, but an election may be held at any other time in manner provided by law in such cases; and the directors for the time being shall continue to hold their offices until others are elected in their stead, and shall have the same powers for the time being as if they had been re-elected.

Quorum.

6. *And be it enacted*, That the directors for the time being, shall form a board, and they or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury aforesaid, by and in the name of the said corporation, in any court of this state, having cognizance of the same.

Proviso.

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Restrictions and liabilities.

10. *And be it enacted*, That this act shall continue in force for thirty years, and the said corporation shall possess the gen-

eral powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Boundaries of Somerville.

11. *And be it enacted*, That the boundaries of the township of Bridgewater, in the county of Somerset, shall be deemed and taken to be the boundaries of the town of Somerville, for all the purposes of this act.

Approved March 4, 1853.

CHAPTER CIX.

AN ACT to confirm certain acknowledgments of deeds, mortgages, and other instruments of writing, taken by Apollos M. Elmer.

Preamble.

WHEREAS, it appears to the legislature that Apollos M. Elmer was appointed an alderman of the borough of Elizabeth, on the second day of March, eighteen hundred and forty-seven, and that his commission expired on the second day of March, eighteen hundred and fifty-two; and that the said Apollos M. Elmer was afterwards re-appointed, and was duly sworn into office on the eleventh day of February, eighteen hundred and fifty-three; and that, under misapprehension, he did, between the two last mentioned dates, continue to take certain acknowledgments and proofs; therefore,

Acknowledgments declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, mortgages and other instruments of writing, taken and certified by Apollos M. Elmer, between the second day of March, eighteen hundred and fifty-two, and the eleventh day of February, eighteen hundred and fifty-three, be and the same are hereby declared valid and effectual, in like manner

as though the same had been taken and certified during the continuance of his first mentioned commission.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CX.

AN ACT to revive the act entitled "An act to incorporate the Millstone and New Brunswick Railroad."

Act revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Millstone and New Brunswick Railroad," passed the twenty-seventh of February, eighteen hundred and thirty-seven, be and the same is hereby revived, and is hereby declared to be in full force and effect from the time of the approval of this act, in all respects the same as if it had then become a law; that

Additional commissioners

William D. McKissack, Ernestus Schenck, Joseph Howell, Frederick Disborough, Isaac R. Cornell, John E. Van Neste, John Acken and Benjamin D. Stelle, be additional commissioners to perform the duties prescribed by the original act, with the surviving commissioners named therein; that any corporation created by any existing law of this state may subscribe to the capital stock of this company, and hold the same as stockholders therein; that the railroad authorized by the original act may be extended to any point or points in the townships of Hillsborough and Bridgewater, in the county of Somerset, and that the last section of the original act be and the same is hereby repealed.

Approved March 4, 1853.

CHAPTER CXI.

AN ACT to authorize and empower "the trustees of the school district incorporated by the name of 'The Central School of Harrington,'" in the county of Bergen, to sell and convey certain lands belonging to said district.

Preamble. WHEREAS, it is represented by the trustees of school district incorporated by the name of "The Central School of Harrington," in the county of Bergen, that said school district became incorporated by the name aforesaid, on the twenty-seventh day of July, A. D. eighteen hundred and fifty two, in pursuance of the provisions of the act entitled "A supplement to the act entitled 'An act to establish public schools,'" approved March fourteenth, eighteen hundred and fifty-one, and that said school district so incorporated was formed by the union of two school districts in said township, and which before that time were known as districts number two and six; that said district number two, owned and used for school purposes, that certain lot of land with the buildings erected thereon, situate at Closter, in said township of Harrington, on the westerly side of the public road leading from Closter to Tappen, and bounded northwesterly by said road, northwesterly by lands of David A. Demarest, and southerly by lands of Matthew S. Bogert, containing one half acre more or less; that said district number six, owned and used for school purposes, that certain lot of land with the buildings erected thereon, situate at Schraelenbergh in said township, on the east side of the public road leading from Schraelenbergh to Tappen, and bounded westerly by said road, northerly by the public road leading from Schraelenbergh to Closter, and southerly and easterly by lands of James P. Demarest, and containing one half acre more or less; and whereas, it is also represented that by the union and incorporation of said two school districts as aforesaid, said two lots of land with the buildings erected thereon, now belong to said newly incorporated school district, but that the same are no longer used or required for keeping public schools,

and that it is desirable to have them sold, and the moneys arising from the sale thereof, applied towards the erection of another school house, more central in said newly incorporated district, or for such other school purposes as the trustees thereof may deem proper; therefore,

Trustees authorized to sell lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees for the time being of "The Central School of Harrington," in the county of Bergen, are hereby authorized and empowered to sell at public auction, to the highest bidder, and convey the said two lots of land above described with the buildings erected thereon, they giving notice of the time and place of sale by public advertisements signed by themselves, and set up at ten or more public places in the said county of Bergen, five whereof at least shall be in the said township of Harrington, not less than thirty days next before the time appointed for selling the same, and that said notice shall be in lieu of the notice required by law in cases of public sales of lands.

Money, how applied.

2. *And be it enacted*, That the moneys arising from said sale, shall be applied towards the erection of a suitable school house for said incorporated school district, or for such other school purposes appertaining to said district, as the trustees thereof for the time being, or a majority of them, shall deem proper.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CXII.

A supplement to an act entitled "An act to incorporate the New Jersey Zinc and Copper Mining and Manufacturing Company," passed March third, eighteen hundred and forty-one.

Name of corporation changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "New Jersey Zinc and Copper Mining and Manufacturing Company" be, and the same is hereby changed to that of the National Paint Company, and that the capital stock of said company shall be six hundred thousand dollars, with liberty to increase the same to twelve hundred thousand dollars, to be divided into shares of twelve dollars and fifty cents each; and that the number of directors of said company may be increased to nine, a majority of whom shall be citizens of this state; and the said company shall have the right to mine and manufacture zinc, copper and other minerals and zinc paints, in the counties of Sussex, Morris, Essex and Hudson, in this state.

Amount of capital stock.

Price of shares.

2. *And be it enacted*, That the original shares of stock of the said company may be subdivided into shares of twelve dollars and fifty cents each; and it shall be lawful for the said company to grant certificates of shares in full or part payment for the real or personal estate and mining rights and leases that may be purchased by said corporation for mining or manufacturing purposes.

Location of office.

3. *And be it enacted*, That the office of the company shall hereafter be at Jersey City, in the county of Hudson, at which place all future elections for directors shall be held, twenty days' previous notice being given of the time and place of holding such election, in one or more of the newspapers printed and published in each of the counties of Hudson, Essex, Sussex and Morris, and in at least one of the newspapers printed and published in the city of New York.

Part of former act repealed.

4. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with or repugnant to the provisions of this act, be and the same is hereby repealed.

Approved March 4, 1853.

CHAPTER CXIII.

A supplement to the act entitled "An act to authorize the partition of lands in cases where particular undivided shares therein are limited over," approved March sixth, eighteen hundred and fifty-two.

Commissioners to invest proceeds of sale of shares.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which lands, in which any particular share is limited over, are sold by virtue of the act to which this is a supplement, the purchaser may at any time before the confirmation of such sale, elect in writing to pay to the commissioners the proceeds of the share so limited over, and that in such case, upon such payments, the lands so held shall be exonerated from all further lien therefor, and the commissioners shall invest the nett proceeds of such share, under the direction of the court by which such sale was ordered, upon bonds secured by mortgage upon the fee simple of unencumbered real estate, worth at least double the amount of the sum secured upon the same, two thirds of which value must be in the value of the land, without reference to the buildings thereon; and such bond and mortgage shall be given to such commissioners, in their name as commissioners, and the interest accruing thereon shall be paid yearly to the person who would have been tenant of the particular estate if there had been no sale, his heirs or assigns, and may be so secured by the condition of such bond and mortgage.

Principal when due to be paid to clerk.

2. *And be it enacted*, That the principal so secured, shall when due, be paid only to the clerk of such court, and shall be, when so paid, considered in court, and shall remain there until re-invested by order of said court; and such clerk and his sureties shall be responsible therefor, and no other payment shall discharge such bond and mortgage, or entitle any county clerk to cancel the same; and such court may, when any of said commissioners shall die, remove out of the county where such lands lie, or become of unsound mind, or for any other good cause, remove such commissioner and appoint another in his place, and such bond and mortgage held by such appoint-

ment, shall be vested in him and the other remaining commissioners, as if given to them originally; and the clerk of such court shall be entitled to one quarter of one per cent on all moneys paid into court by virtue of this act, and the costs of such paying in and investment shall be taken out of the income or interest, and not out of the principal of such moneys; and when the particular estate in such lands would have determined and the same have been vested in fee, said principal sum shall be paid, or such bond and mortgage be assigned, under the direction of said court, to the person in whom such share of the lands so held would then be vested in fee, had the same not been paid, or to his heirs or assigns.

Penalty for embezzlement.

3. *And be it enacted*, That if any commissioner or clerk shall wilfully embezzle, or convert to his own use, any money in his hands, the proceeds of any lands so held, or any money paid to him, or that shall come to his hands by virtue of the provisions of this act, or the act to which this is a supplement, he shall be guilty of a misdemeanor, and on conviction, shall be punished by imprisonment at hard labor or otherwise, not exceeding two years, or fine not exceeding five hundred dollars, or both.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CXIV.

A further supplement to an act entitled "An act to incorporate the Belleville Railroad and Transportation Company," passed February sixteenth, eighteen hundred and thirty-six.

Company authorized to build bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Belleville Rail-

road and Transportation Company" be, and they are hereby authorized and invested with all rights and powers necessary and expedient to build the bridge across the Passaic river, authorized by the act to which this is a supplement, at a greater distance, in a southerly direction, from the present Belleville turnpike bridge, within the township of Belleville, than is limited by the original act, and also that they be authorized to extend their railroad to any point in the township of Bloomfield.

Bridge to be built with draw.

2. *And be it enacted*, That the said bridge across the Passaic river shall be built with a draw that shall open at least forty-five feet in width, for the free passage of such vessels as shall pass up and down said river; and the said draw shall be constructed with piles and piers on each side, as near as may be where the channel of the said river runs; and for the safety of navigators, a light shall be kept and maintained at said draw during every night; and the said company shall keep, or cause to be kept and maintained at said bridge, a careful person, to open the said draw for the free passage of vessels, and for every wilful neglect in opening said draw, when necessary for the passage of such vessels, the said company shall forfeit the sum of twenty-five dollars, to be recovered by action of debt, before any court of competent jurisdiction, and shall also be liable to any action for damages at the suit of the party aggrieved.

Act not to impair vested rights of other corporations.

3. *And be it enacted*, That nothing contained in this supplement shall be so construed as to impair in any manner any reversionary interest or vested right which the state or any incorporated company or companies, or any individual, may possess, in virtue of an act entitled "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventh day of February, seventeen hundred and ninety-three; *provided*, that if the New Jersey Railroad and Transportation Company shall construct the aforesaid bridge in two years from the passage of this act, and in conformity thereto, and a branch road connecting the same

Proviso.

with their road in the county of Hudson, which they are hereby authorized to do, then the rights conferred by this supplement on the said Belleville Railroad and Transportation Company shall cease and be void.

Consent of "Proprietors of Bridges," &c., to be obtained.

4. *And be it enacted*, That it shall not be lawful to erect the bridge mentioned in the first section of this supplement, if the same shall be constructed south of the second river, until the consent thereto, in writing, of "The Proprietors of the Bridges over the rivers Passaic and Hackensack," under the common seal, shall be filed in the office of the secretary of state of this state; and that the giving of such consent shall not, except as to the bridge so consented to, be construed, held, or deemed in any manner to strengthen or impair any rights or privileges which the said "The Proprietors of the Bridges over the rivers Passaic and Hackensack" may possess, in virtue of an act entitled "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three, but the same shall be and remain of the same force and effect as if this act had not been passed.

Approved March 4, 1853.

CHAPTER CXV.

A supplement to an act entitled "An act concerning contracts of real estate, made by testators and intestates in their life time," passed thirteenth November, eighteen hundred and four.

Orphans court may decree fulfilment of contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the orphans' court of the several counties shall have power to decree the fulfilment of any con-

tract or contracts in writing, heretofore made or hereafter to be made, although the same be attested by no subscribing witness, which have been or may be entered into by testators or intestates, for the sale or conveyance of land, lying and being within such county, in his or their life time, in the manner prescribed by the act to which this is a supplement; *provided*, that such application shall be made to the court within five years from the date of such contract, and the execution of such contract shall be duly proved to the satisfaction of the court before any such decree shall be made, and any deed executed or given by virtue of such order of the orphans' court, shall convey the lands directed to be conveyed, as fully as if the testator or intestate had executed the same in his life time.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CXVI.

A supplement to the act entitled "An act to incorporate the Mount Holly and Pemberton Railroad and Transportation Company," approved March seventh, eighteen hundred and fifty.

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the state of New Jersey*, That the capital stock of the Mount Holly and Pemberton Railroad and Transportation Company be increased to three hundred thousand dollars.

Extension of road authorized.

2. *And be it enacted*, That the Mount Holly and Pemberton Railroad and Transportation Company are hereby authorized to extend their road from the present terminus thereof, through or near the villages of Wrightstown and Cookstown,

in the county of Burlington, to the village of New Egypt, in the county of Ocean, according to the provisions of the original act, to which this is a supplement.

3. *And be it enacted*, That the time of the completion of the Mount Holly and Pemberton Railroad and Transportation Company is hereby extended for the term of two years from the fourth day of July next. Time for completion extended.

Approved March 4, 1853.

CHAPTER CXVII.

A supplement to the act entitled "An act relative to the supreme and circuit courts," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chief justice, or any justice of the supreme court, who shall hold any circuit court or court of oyer and terminer and general jail delivery in a county, whenever in his opinion the ends of justice and the public interest require it, may in term time of the courts in said county, order a special term of said courts, or of either of them, to be held therein for the trial of any causes or indictments then triable and remaining untried, which may require to be tried in either of said courts, before the next regular term thereof; and all suits, indictments, processes, orders, rules, recognizances and other proceedings, pending in any of such courts, shall be continued over to such special term, without prejudice to any of the parties therein, and may then be proceeded in, according to law. Special terms.

2. *And be it enacted*, That the petit jurors summoned to attend at the regular term of such courts, shall attend and serve at the special courts; and notice of such special term Notices of special terms to be published.

shall be published in one or more of the newspapers printed and circulated in the county, at least once a week, from the date of the order to the opening of the special term; and in case no newspaper be printed in the county, that then the said notice shall be published as aforesaid, in one or more newspapers printed in an adjoining county or counties, as the court shall direct.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CXVIII.

A supplement to an act entitled "An act to regulate fees," approved April fifteenth, A. D., eighteen hundred and forty-six.

Crier's fees in Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for every day's actual service in the courts of the county of Passaic, during the regular term thereof, when such service is usual and requisite, according to the law and practice of this state, the crier of said courts shall be entitled to receive, in addition to the fees allowed by law, one dollar per day, which sum shall be paid to him by the county collector of said county, out of the moneys in his hands, on the rising of said courts.

Certificate to be presented.

2. *And be it enacted*, That the said crier, before receiving the said compensation, shall be required to present to the said county collector, a certificate in writing, under the hand of the clerk of said county, which it is hereby made the duty of such clerk to give, stating the number of days in which said actual service was rendered; which certificate, together with the re-

ceipt of such crier for said compensation, shall be the vouchers of said county collector for said payment.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CXIX.

A further supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings."

Oath of clerk, who to administer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the presiding officer of any township or ward meeting, in which a clerk of said township or ward shall be elected, to administer the official oath or affirmation to such clerk.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1853.

CHAPTER CXX.

AN ACT to incorporate the South Camden Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the state of New Jersey*, That John W. Mickle, Joseph M.

Cooper, Robert Y. Bonnin, Charles Kaighn, John Cooper, James Tuttle, John R. Thompson, Thomas E. Baxter, William R. Kaighn, Thomas Githens, John F. Norcross, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared, to be a body politic and corporate, in fact and in name, by the name of "The South Camden Railroad Company," for the purpose of furnishing earth for filling the low grounds in the city of Camden, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be forty thousand dollars, and shall be divided into shares of twenty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident and citizen of this state; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be

filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in manner provided by law in such cases; and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Payment of instalments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct, and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from the river Delaware, in the south ward of the city of Camden, and to extend a distance not exceeding eight miles, in the direction, and to the nearest point, where land may be advantageously purchased, on which earth in large quantities can be obtained for filling wharves and low ground, in the city of Camden, not exceeding one hundred feet in width, except in such places, where from the depth of the excavation or the height of the

embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided;

Proviso.

provided always, that the payment, or the tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner

or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term, not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land and materials, and to assess the damages upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than six days, and it shall be the duty of the said commissioners, having first taken or subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damage, as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Camden, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy, the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse

to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage, and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term after filing of the said report, the court shall have the power, upon good cause shown to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the same court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if the said jury shall be applied for by the said company and shall find the same or a greater sum than the said commssioners shall have awarded in favor of the said owner or owners, then judgment thereupon with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report, the value and damages being first paid; or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, and to alter and grade the said roads so that the passage of carriages, horses and cattle, passing or repassing, shall not be impeded thereby; and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways, over or under said road, so that the same may be conveniently passed. Company to construct and repair bridges.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road, which is usually weighed by the ton, or four cents per mile for carrying each passenger on said railway. Rates for carriage and transportation. Proviso.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper, of the nett profits thereof, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper. Semi-annual dividends.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further, shall be liable for all damages. Penalty for injuring work.

13. *And be it enacted*, That the said company may purchase, have and hold real estate, at the terminus of their railroad on the river Delaware, not exceeding five acres, and may What real estate may be held.

erect and build thereon, such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

Annual statement to be made.

14. *And be it enacted*, That as soon as the railroad with its appendages shall be finished, so as to be used, the president and treasurer of the said company shall file under oath or affirmation a statement of the amount of the cost of the said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the nett income of said road shall amount to seven per centum upon the amount of its cost; and as soon as the nett proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January, in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

Company may borrow money

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machines for the uses and objects of the said company, and to secure the re-payment thereof by bond or mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso

Completion of road.

16. *And be it enacted*, That if the railroad shall not be completed and in use at the expiration of ten years from the first day of August next, ensuing, that then and in that case this act shall be void.

17. *And be it enacted*, That the South Camden Ferry Company shall have the right to subscribe for the stock of the said company to the amount of ten thousand dollars, and may appoint one director for every five thousand dollars subscribed and paid in by them. South Camden Ferry Company authorized to subscribe.

Approved March 5, 1853.

CHAPTER CXXI.

AN ACT to incorporate the Hainesport, Lumberton and Vincentown Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Hainesport, Lumberton and Vincentown Turnpike Company shall be opened by William Irick, Samuel Butterworth, Benjamin Deacon, Joshua S. Burr, Barclay Haines, Thomas E. Morris, Hollingshead Kirkbride, Robert P. Haines, Franklin C. Doughten, Allen Jones, Jonathan Oliphant, Joseph Davis, David B. Cole, Edward Harris and Edward Black, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving public notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with liberty for the said company to increase the same to twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of "The Haines- Amount of capital stock.

port, Lumberton and Vincentown Turnpike Company," and by that name shall have, enjoy and exercise, all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Payment of instalments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in instalments, at such times and places, and to such persons as the president and directors of the company shall, from time to time, direct, and give public notice thereof in the manner aforesaid; and upon the failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of the shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for, as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by said apportionments.

Proviso.

Proviso.

Election of directors.

4. *And be it enacted*, That when two hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may

be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares. Proviso.

5. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this state and resident in the county of Burlington, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed. Duties and powers of president.

6. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal or refusal to act, of any president or director, and may appoint a treasurer, who shall be a citizen of this state and resident in the county of Burlington, and all officers, agents, superintendents and other servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States. Duties and powers of directors. Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, either three or four rods wide, from the junction of the Mount Holly Company authorized to construct road.

and Moorestown Turnpike Company, at Hainesport, in the county of Burlington, through Lumberton, to the village of Vincentown, in said county; which turnpike road shall be constructed on and along one of the public highways leading from the said village of Hainesport to the said village of Vincentown, by way of Lumberton; and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; and it shall be lawful for the said company, by their officers, agents or other persons in their employ, to enter from time to time, and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay or other materials, for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid along either of said highways aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike road upon now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other material, from his or her lands, for the constructing or maintaining of said turnpike road.

Proviso.

Description of road.

8. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages

passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners of land cannot agree.

9. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burthen and draft, and all other necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials, therefrom, suitable for making or repairing said road; and that when the company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road, shall be given, in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge ma-

king such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall, in all cases, be paid by the company.

Rates of toll.

10. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions hereinbefore given, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding three in number, and to demand and re-

ceive toll for traveling each mile, and all fractions over half a mile, of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep or hogs, five mills.

For every dozen of horses, mules or cattle, two cents.

And it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided,* that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier, passing or repassing, when called to duty by the laws of this state or of the United States. Proviso.

11. *And be it enacted,* That the said company, as soon as they shall erect and construct a turnpike road in the manner aforesaid, from the village of Hainesport to the village of Lumberton, they are hereby authorized to erect turnpikes or gates, and receive the tolls heretofore prescribed by this act, in the same way as if the whole route of the road was completed. Turnpike gates may be erected.

12. *And be it enacted,* That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Hainesport, and shall cause to be fixed and always kept up at the gate or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs." Mile stones or posts to be erected.

Penalty for injuring works.

13. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy or otherwise injure any gates, turnpikes or bridges that shall be erected, pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on said road, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

14. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall demand or receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

15. *And be it enacted*, That all the drivers of carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

16. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Burlington, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice shall appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall ap-

Proceedings in case road and bridges are not kept in repair.

point, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Act when to take effect.

17. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made, are vacated as public highways, according to law; and if the said road is not commenced within two, and completed within five years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 5, 1853.

CHAPTER CXXII.

AN ACT to incorporate telegraph companies.

Description of of line, &c., to be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any number of persons, consisting of two or more, shall have subscribed one third of the capital stock necessary to be issued for the construction of any line of telegraph, in this state, and upon depositing with the secretary of the state, a written or printed description of the line they propose building and constructing, the localities it is intended to traverse, the capital of the company and its title or corporate name, and complying with the provisions of this act, they shall thereby become a body politic and corporate, to sue and be sued, to purchase, hold or convey any personal or real estate as may be necessary for the purposes of

this act; *provided however*, the real estate owned at any one point shall not exceed one-fourth of an acre. Proviso.

2. *And be it enacted*, That whenever one-third or more of the capital stock necessary to build any proposed line, shall have been fully subscribed, then the parties making such subscription shall have the power and authority of letting the contract for building the line, to such person or persons as they may select, or choose or proceed to build it themselves, and are also fully empowered as commissioners, to receive subscriptions to the capital stock, and give receipts for instalments paid on the same. Time for commencement of operations.

3. *And be it enacted*, That whenever the original subscribers to one-third of the amount of the capital stock shall call a meeting of the stockholders generally, by giving ten days' notice, by publication, in at least three newspapers published in the state, then the stockholders, when convened in accordance with said notice, shall proceed to elect officers of their said company, consisting of a president, treasurer, secretary and at least three directors, one-third of whom shall be citizens and residents of this state, whose term of office shall continue one year, or until their successors are elected, the respective duties and powers of each of the said officers to be indicated and determined by the by-laws and regulations of the company; *provided*, that such by-laws and regulations do not conflict with this act, and are not repugnant to the constitution or laws of this state or of the United States; and that at every election of officers, and at every special, periodical or general meeting of the stockholders, each and every share of stock represented will entitle its representative to one vote; *provided, however*, no one person shall be allowed to vote more than one third of the votes present at any such meeting. Officers of corporation. Proviso. Proviso.

4. *And be it enacted*, That no line of telegraph or company, organized and working under this act, shall be privileged to charge more than twenty cents for any message not exceeding ten words in length, and for messages exceeding ten words in length, twenty cents for the first ten words, and ten cents for every ten words over the first ten, and at that rate for less than ten; *provided however*, the said messages are intended to be transmitted over but one company's line, that it shall be the Rates for transmission of messages. Proviso.

duty of any company chartered by this act, on the request of any public officer of this state, to transmit (confidentially, if required,) messages relative to public business; said company shall pay one half of one per cent. upon the amount of said capital stock into the state treasury, from the organization of said company.

Offices to be kept.

5. *And be it enacted*, That any line of telegraph or company, organized and working by virtue of this act, shall establish, maintain, and keep open at least one office every forty miles traversed by their line; and that whenever any two or more persons shall, by a proper observance of the conditions of this act, thereby becoming a body corporate, they shall have the privilege of building and maintaining a line as described, for the full term of twenty years; *provided, however*, that within three years from the date of the description filed with the secretary of state, they shall have built and completed the same.

Proviso.

Penalty for injuring works.

6. *And be it enacted*, That if any person or persons shall wilfully and unlawfully injure, destroy or obstruct the use of any telegraph line constructed by virtue of this act, such person or persons so offending shall, for the first offence, pay to the said company the sum of one hundred dollars, to be recovered as debts of like amount are by law recoverable, and be liable for all damages, and shall for the second offence, on conviction thereof, be liable to imprisonment in the county jail not to exceed one year.

Posts may be erected on public highways.

7. *And be it enacted*, That any telegraph company organized by virtue of this act shall have full power to use the public roads or highways in this state, on the line of their route, for the purpose of erecting posts or poles on the same, to sustain the wires and other fixtures, upon first obtaining consent in writing of the owner of the soil; *provided however*, that the same shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said roads and highways; and that the use of the public streets in any of the incorporated cities and towns of this state shall be subject to such regulations and restrictions as may be imposed by the corporate authorities of said cities or towns.

Proviso.

Responsibility of subscribers.

8. *And be it enacted*, That no subscriber to the capital stock of any company organized by virtue of this act, shall in any event be responsible for any amount beyond their subscriptions.

9. *And be it enacted*, That this act and the provisions thereof shall not apply to any existing corporation, or any line or lines of telegraph already erected and in operation.

Approved March 5, 1853.

CHAPTER CXXIII.

AN ACT to incorporate the Elizabethtown Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac H. Williamson, David Naar, William M. Whitehead, Reuben T. Davis, Aaron H. Vancleve, and John S. Noble, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Elizabethtown Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situated in Elizabethtown, and to enter into and execute contracts, agreements or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purpose of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Names of corporators.

General powers.

Proviso.

Company authorized to lay down pipes.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues or public grounds of Elizabethtown, and to do all things necessary to light the same, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of said pipes or the erection of the said posts, and the streets, side and cross walks, public grounds, lands and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within this state, as they shall designate, by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in Elizabethtown, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them, and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners at the time of subscription, shall, by them, or a majority of them, be paid over to the directors of the said company to be appointed as hereinafter directed, and all the powers of said commissioners shall cease and determine on the appointment of such board of directors, and the said board when so appointed shall have power, and they are hereby authorized, from time to time, under the foregoing regulations,

if they deem an increase of capital necessary for the purposes of the company, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars, and shall have power to call in the capital stock of said company by such instalments, and at such times as they may direct, and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise.

Election of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in five directors to be selected from the stockholders; and the said directors shall choose, by plurality of votes, a president from among themselves; and as soon as conveniently may be after fifty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in November, thereafter; and the said directors and president shall hold their offices from the second Monday in November in every year for one year, and until others are elected, and shall be elected on the second Monday in November in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in Elizabethtown; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held in his, her or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being, shall form a board, and they or a majority of them, shall be a quorum for transacting business.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be personal property; and the stock and transfer books shall be open at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of the state, having cognizance of the same.

Proviso.

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Restrictions and liabilities.

10. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 5, 1853.

CHAPTER CXXIV.

AN ACT to protect fish in Budd's lake, in the township of Roxbury, in the county of Morris.

Penalty for taking fish during certain seasons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons shall be permitted to catch, kill, or otherwise destroy, any fish in Budd's lake, in the township of Roxbury, in the county of Morris, in this state, between the fifteenth day of February and the first day of May, in each and every year, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt, in any court of competent jurisdiction, with costs of suit, by any person who will sue for the same, the one half thereof for his own use, and the other half for the use of the poor in said township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1853.

CHAPTER CXXV.

AN ACT to change the time for the collection of taxes in the township of Bloomfield, in the county of Essex.

Time of assessment of taxes changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duty required of the assessors of the several townships by the third section of the act entitled "An act concerning taxes," shall be performed by the assessor of the township of Bloomfield within fifteen days after the second Monday in July, hereafter; and the commissioners of appeal in cases of taxation in said township shall meet an-

nually on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

Time of collection of tax changed.

2. *And be it enacted*, That the duty which the collector of said township is now required to perform, by the tenth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the time of payment of moneys to the collector of the county of Essex shall be the twenty-second day of October, instead of the twenty-second day of December, in each year; and the duty required of the collector of said township by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December, in each year.

Time of performance of duties of assessors and township committee changed.

3. *And be it enacted*, That the duties required of the assessors and township committees of the several townships by "A supplement to an act for the preservation of sheep," which supplement was approved March twenty-fourth, eighteen hundred and fifty-two, shall be performed by the assessor and committee of the township of Bloomfield, on the first Monday of August, instead of the first Monday of October, in each year hereafter.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1853.

CHAPTER CXXVI.

AN ACT to incorporate the borough of Hightstown.

Boundaries of Borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of East Windsor, known as the village of Hightstown, lying and being in the county of Mercer, beginning at a point on Stockton street, on the corner of lands between General William Cook

and Abraham Perdun; thence south along the line between said Cook and R. E. Morrison, to the Camden and Amboy railroad; thence south-west along said railroad to the line between John Butcher's land and the Hightstown cemetery; thence along said line to the Bordentown and South Amboy turnpike; thence along the west side of said turnpike to a stone near the corner of William Ogborn's lot; thence south-east to the corner of William V. Ely's lot on the York road; thence east to the mouth of Timber run, to the line between R. M. Jobs and Kenneth Appleget; thence along said line to the old Freehold road; thence west along the south side of said road to the turnpike; thence west to the place of beginning; and all the freemen citizens of this state residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be from time to time, and forever hereafter, one body corporate and politic, in fact and in name, by the name of "The Borough of Hightstown."

Borough officers.

2. *And be it enacted*, That there be, and forever hereafter shall be, in and for the said borough, one mayor, six councilmen, one borough clerk, one treasurer, one marshal, one assessor, and one collector.

Common council

3. *And be it enacted*, That the mayor and councilmen of said borough, who shall be freeholders in said borough, shall constitute the common council of said borough, and shall hold an annual meeting in said borough on the fourth Tuesday of March, yearly and every year, and such other meetings as they shall by ordinance direct and appoint; the mayor shall preside at said meetings, and shall have a casting vote only in cases where there shall be a tie; and if the mayor be absent at any meeting, then the councilmen shall appoint one of their number to preside, pro tempore; and when met, shall have power to make and adopt such rules and by-laws for their own government as they shall think proper, and pass all such ordinances, by-laws and regulations, and in general to do and perform all such other acts and things as are provided for and warranted by this act; and that four members shall constitute a quorum of said council.

Election of borough officers.

4. *And be it enacted*, That an election by ballot shall be held annually on the second Tuesday in March, in said borough,

at such place as the common council shall appoint, of which the said council shall cause public notice to be given by advertising the same two weeks in a newspaper published in said borough, or to set up such notice, either printed or written, in five public places in said borough, at least two weeks previous to the day of such election; and in default of such notice, the election shall be held at the place where the last annual election was held, at which election one mayor, six councilmen, one borough clerk, one treasurer, one marshal, one assessor, and one collector, shall be annually chosen in said borough from among the citizens residing therein, and entitled to vote at such election, which said several officers shall hold their respective offices for one year, and until others shall be chosen and legally qualified in their stead; the poll of such election shall be opened at nine o'clock in the morning, and close at seven o'clock in the evening; two judges of election, and one clerk of election shall be chosen from among, and by a majority of the legal voters present, to be judges of said election, who shall conduct such election in the same manner that elections for members of the General Assembly of the state of New Jersey are conducted, as nearly as may be, and at the close thereof shall count the votes cast for the several candidates, and shall make out and certify under their hands two certificates, one of which shall be filed and preserved by the clerk of election, and the other enclosed, sealed, and directed, to the common council of said borough, and within five days delivered, sealed as aforesaid, to the borough clerk, who shall lay the same before the common council at their first annual meeting thereafter; and the said council shall, at said meeting, in public manner, proceed to canvass the number of votes given for the respective candidates, and shall ascertain and declare who shall be elected by the greatest number of votes, to the above mentioned several offices, the result of said canvass to be entered upon the minutes of said council, and a certificate thereof shall be filed by the borough clerk; and that the first election shall be held at the hotel of R. M. Smith, in said village, on the second Tuesday of March next ensuing, according to the provisions of this act.

Vacancies, how supplied.

5. *And be it enacted,* That in case a vacancy shall occur, either by a refusal to serve, death, or any other cause what-

ever, in any of the offices mentioned in the preceding section of this act, it shall and may be lawful for the common council to appoint others to fill such vacancies for the unexpired term, and the person or persons so appointed shall perform the like services, and be entitled to the like compensation, and be subject to the like responsibilities and penalties as if elected at the annual election aforesaid.

Duties and powers of officers of election.

6. *And be it enacted*, That the assessor, collector, judges and clerk of election, as aforesaid, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of any township of the county of Mercer, to the same extent and in the same manner, in all respects, as if the said borough was constituted a separate township of the county of Mercer, as far as such powers and duties shall be consistent with this act, and that the members of the common council of said borough, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

Officers to take oath or affirmation.

7. *And be it enacted*, That all officers appointed under this act, shall, before they take upon themselves the execution of their several offices, take and subscribe an oath or affirmation before the common council of said borough, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, according to the best of their abilities and understanding, and that the first officers elected under this act shall be installed by the administration of said oath or affirmation by any justice of the peace of the county of Mercer; said oath or affirmation shall be filed by the clerk of said borough.

Duties of assessor.

8. *And be it enacted*, That the assessor of said borough shall, by the direction of the common council, assess upon the persons and property within the said borough, and the collector of the said borough shall collect the taxes required to be assessed and collected for the use of said borough, in the same manner and within the same time, as the assessors and collec-

tors of the townships of the county of Mercer are or may be required to assess and collect the ordinary taxes.

Treasurer, &c., to give bond.

9. *And be it enacted*, That the treasurer of the borough, and the collector and marshal elected or appointed as aforesaid, before they enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to the common council and shall severally execute their several bonds to the borough of Hightstown, in such sums, and with such freeholders as security as the common council shall direct, prescribe and approve, conditioned for the true and faithful performance of all the duties of their offices respectively; the bond of the marshal shall be made to conform to the form prescribed by the first section of the act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to the borough of Highstown, which said bonds, after the same shall be approved by the common council, shall be delivered to the clerk of the borough, who is required and directed hereby to file the same in his office, and may be sued and prosecuted as the bonds of the like officers of this state are or may be sued and prosecuted.

Powers and duties of common council.

10. *And be it enacted*, That it shall and may be lawful for the common council, or a majority of them in council assembled, to pass such ordinances as they shall judge proper, for regulating, cleaning, and keeping in repair, the streets, highways, lanes and sidewalks of said borough, and preventing and removing all obstructions or encroachments in or upon the same; for preventing and restraining riots, disturbances or disorderly assemblies; for preserving peace and suppressing vice and immorality, and all such other laws or ordinances for the government and regulation of said borough, not repugnant to the laws of the state or the United States, as they may consider calculated to promote the welfare, prosperity, good order and government of said borough and the inhabitants thereof, a copy of which laws and ordinances shall be published six weeks in a newspaper published in said borough, or set up in five public places in said borough.

Duties and powers of marshal.

11. *And be it enacted*, That the marshal of said borough is hereby empowered to arrest and take into custody, without

warrant, any offenders against the laws and ordinances of said borough, or any person or persons disturbing the peace and quietness of said borough, and to carry such offenders immediately before the mayor, who is hereby empowered to take cognizance of such offences, and that the said marshal shall have all the powers within the said borough of any constable of said county, and shall be entitled to receive the same fees as constables, in all cases where a constable is entitled to receive fees.

Jailor of Mercer county to receive offenders.

12. *And be it enacted*, That the jailor of the county of Mercer for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of the county of Mercer, by the Mayor of said borough as aforesaid, for the time or term of his, her, or their imprisonment, and all the expenses of keeping said offenders in said jail shall be borne and paid by the county of Mercer.

Book of record to be evidence.

13. *And be it enacted*, That the book of record, of the ordinances, and by-laws of the said borough shall be taken and received as evidence of the due passage by the borough council of all the ordinances and by-laws recorded therein, and further, that the publication, by authority of the borough council, of their ordinances and by-laws, in a volume or pamphlet form, shall in like manner be taken and received as evidence of the due passage thereof, and that the publication of the said ordinances and by-laws, according to law, shall in all cases be presumed to have been made, until the contrary shall be made to appear.

Inhabitants to be competent witnesses, &c.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue the borough of Hightstown shall be a party, or in which the said borough is interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder, or freeman of said borough.

Common council authorized to raise tax.

15. *And be it enacted*, That it shall be lawful for the common council to order the raising and cause to be raised, by tax, from year to year, such sum or sums of money as they shall deem expedient, to defray the expenses of carrying into effect the laws and ordinances from time to time enacted by the said common council, and for defraying all other expensesa uthorized by said council, and it shall be lawful for the said council

to borrow money from time to time, in the corporate name of said borough, for all purposes for which they are authorized by this act, to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the borough, and the signature of the mayor; *provided*, that no loan shall be made without the concurrence of at least a majority of the common council, and there shall not be a greater sum than five hundred dollars raised by loan in any one year, and that the said borough shall not owe over one thousand dollars at any one time.

Proviso.

Assessments, how made.

16. *And be it enacted*, That all assessments made by the assessor of said borough shall be made in accordance with law regulating the assessors of the county of Mercer.

Compensation of officers.

17. *And be it enacted*, That the mayor of said borough shall be and he is hereby clothed with the same powers as justices of the peace of the state of New Jersey, and entitled to receive the same fees which a justice of the peace is entitled to receive, but he shall receive no other compensation for his services as mayor of said borough, and that all the officers and agents of said borough shall receive such compensation for their services as the common council shall deem to be reasonable and proper.

Common council authorized to lay out streets, &c.

18. *And be it enacted*, That the common council of said borough shall have power to lay out and open any street, highway or alley, or vacate, alter, open or widen any street or alley already laid out, whenever they shall judge the public good requires the same to be done; and shall have exclusive control over all the highways, streets, roads and alleys of said borough, and shall have power to compel the owners of real estate in said borough, or in such parts thereof as they shall by ordinance direct, to pave, grade, gravel, flag and curb, the sidewalks along and opposite to such owner or owners property, and may order and direct the same to be done, and may appoint one or more discreet persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations concerning the same, by enacting fines or penalties for not complying therewith, and that the borough council shall appoint three disinterested freeholders, who shall estimate the value of the lands so taken, a majority of whom shall decide

upon the value and report the same to the borough council, who shall proceed to vote upon the said valuation, and if the borough council shall decide it just, the borough shall pay for the same by regular assessment, if not, new commissioners shall be appointed until the same is decided.

Common council authorized to license taverns, &c.

19. *And be it enacted*, That the common council of the borough of Hightstown, when assembled, by a majority of votes, shall have the sole and exclusive right and power of licensing and assessing every inn keeper and tavern keeper residing within said borough, for such time or term as they may deem expedient, otherwise subject to the same restrictions and provisions, and in like manner, in every particular, as the same is or may be lawfully done by the inferior court of common pleas in this state; and the said common council shall have the sole and exclusive power of licensing all menageries, or collections of wild beasts or animals, and all circuses, plays or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said borough, which said power of licensing, the said common council may, by ordinance, delegate to the mayor of the said borough, and any such license may be granted on such terms, and under and subject to such limitations and restrictions as the said common council may by ordinance prescribe; and all moneys which may be derived from granting any such license, shall go to and for the use of said borough; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited, within the borough, any matter or thing hereinbefore specified, without having first obtained such license as aforesaid, he, she or they, shall be proceeded against under and by virtue of the statute of this state entitled "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, or under and by virtue of the act entitled "An act to regulate the exhibition of beasts or animals," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

Treasurer to make annual statement.

20. *And be it enacted*, That it shall be the duty of the borough treasurer, once in each year, to make out a statement of all moneys received and paid out during the year, showing the

source from whence received, and to what applied, the amount of indebtedness of the borough, and the balance of funds, if any, in his hands, which statement shall be filed in the office of the clerk of the borough, at least twenty days before the next annual election for borough officers, and the borough council shall cause a copy of the same to be published two weeks, in a newspaper published in said borough, or to be set up in five public places in said borough, at least two weeks previous to such election.

No taxes to be levied for roads out of borough.

21. *And be it enacted*, That no taxes shall be levied on property lying within the limits of said borough, for the improvement or repairs of roads without the boundaries of said borough.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1853.

CHAPTER CXXVII.

A further supplement to an act entitled "An act to authorize the owners and possessors of a certain tract of woodland therein named, to prevent horses, cattle and sheep from running at large therein," passed the twenty-fifth day of February, eighteen hundred and one.

Owners authorized to enclose additional land.

1. BE IT ENACTED *by the Senate and General Assembly of the state of New Jersey*, That it shall and may be lawful for the owners and possessors of that part of the tract of land, described in the first section of the act to which this is a further supplement, which is included between the line of the fence authorized to be erected by the supplement to said act, passed January thirty-first, eighteen hundred and sixteen and such south line as shall from time to time be located by such owners

in the manner hereinafter provided, to enclose the same by erecting along such south line a good and lawful fence, close, strong and sufficient to prevent horses, mules, cattle and sheep from going through or under the same; and that the owners of said tract hereby authorized to be enclosed, or any part thereof, and each of them, and the managers elected by them, by virtue of the fourth section of the act to which this is a supplement, shall have all the rights, powers, and privileges, and shall be subject to the several duties, assessments and burdens as to the tract hereby authorized to be enclosed, as are by said act, to which this is a further supplement, given to or imposed upon the owners or possessors of lands lying within the bounds, in the first section of said act described.

Lines may be changed and located.

2. *And be it enacted*, That the owners and possessors of the lands herein directed to be enclosed, which tract, until another south boundary shall be located, shall extend to the south boundary of the tract described in the supplement to said act, passed February twenty-seventh, eighteen hundred and forty-four, may at any time, at a meeting to be convened for that purpose, by the vote of a majority of those present at such meeting, change and locate the south line of said tract to any line north of the aforesaid south boundary and after the location of such south line, said enclosed tract shall only include the part north of said line as so located, and also to change and locate the north line of said tract to any line south of said north boundary line, and after the location of said north line, the said tract shall only include the part south of said line or location; and the provisions of this act shall only apply to the same and the owners thereof.

Notice of intended change to be given.

3. *And be it enacted*, That any meeting at which such line shall be so changed and located, shall be called upon the written request of the person or persons whose lands are to be excluded from said enclosure, by a majority of the managers, by written notices under their hands, put up in three public places in the vicinity of said lands, for at least two weeks previous thereto, which notices shall specify the time, place and purpose of such meeting, and a copy of the proceedings of such meeting, verified by the oath of the clerk thereof, and accompanied by proof, under oath, that notices of said meeting had

been put up as herein directed, may be filed and recorded in the office of the clerk of the county of Bergen, in the records of deeds, and such record, or certified copy thereof, shall be conclusive proof that said line has been so located.

Horses, cattle, &c., not to run at large in said tract.

4. *And be it enacted*, That when good and lawful fence, close, strong and sufficient to prevent horses, mules, cattle and sheep from going through or under the same, shall be erected along the above mentioned south boundary line of said tract, or any boundary line located as hereinbefore directed, to the edge of the palisadoes on the east, and until it meets the fence of lands now actually fenced in by the owners thereof, at the west side of said tract, the said tract of land above mentioned shall be considered enclosed, and from thenceforth it shall not be lawful for any person or persons to drive, or let in, any horses, mules, cattle or sheep, with intent to run at large in said tract, or to permit or suffer any horses, mules, cattle or sheep to run at large therein.

Penalty for turning in horses, &c.

5. *And be it enacted*, That if after the said tract is enclosed as aforesaid, any person shall turn, or let in said tract, any horses, mules, cattle or sheep, with intent to run at large therein, or shall permit or suffer any of his horses, mules, cattle or sheep, to run at large in said tract, or any part thereof, it shall and may be lawful for any owner or possessor, or claimant of any part, or share of any part of any lands lying within the above bounds, to sue for and recover, in an action of trespass, to be brought in any court of competent jurisdiction, from the person so turning or letting in said horses, mules, cattle or sheep, or from the owner of such horses, mules, cattle or sheep, so suffered or permitted to run at large in said tract, the sum of one dollar for each head of horses, mules or cattle, and the sum of twelve and a half cents for each head of sheep, so turned or let in, or suffered or permitted to run at large in said tract, with costs of suit; or it shall and may be lawful for any person whatever, to take any horses, mules, cattle or sheep, found running at large upon any part of said tract, and drive them to any public pound in the township of Hackensack, and deliver such beast or beasts to the public pound keeper, and within twenty-four hours thereafter to deliver to such pound keeper an affidavit that such beast or beasts were found run-

ning at large on said tract, to be taken before any person authorized by law to administer oaths; and that said affidavit, in any suit by or against said pound keeper, shall be conclusive evidence of the facts therein contained, and in any suit by or against such person so taking said beast, shall be prima facie evidence thereof; and it shall be the duty of said pound keeper to receive said beast or beasts, and to collect and receive from the owner or owners of the same, the sum of one dollar per head for horses, mules and cattle, and the sum of twelve and a half cents per head for sheep, to be paid by him to the managers elected by the owners of said tract, for the benefit of said owners, and also, for himself and the person so taking said beast, the fees for conveying to pound, impounding, feeding and letting in and out the pound, as are allowed by the twelfth section of the act entitled "An act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine; and in case said beasts shall not be redeemed within four days after the same have been impounded, by such payment of one dollar per head for horses, mules and cattle, and twelve and a half cents per head for sheep, and fees as aforesaid, then said pound keeper shall proceed to advertise and sell said beasts, in the same manner as is directed by the twelfth section of the "Act to regulate fences," aforesaid, in regard to beasts impounded by virtue of the provisions in said act, and after paying out the proceeds of such sale the sum of one dollar per head for horses, mules and cattle, and the sum of twelve and a half cents per head for sheep, and retaining all fees allowed by said act for conveying, impounding, letting in and out of pound, feeding and selling said beast, he shall pay the surplus of said sales in the same manner as is directed by said act; *provided*, that no suit for trespass shall be brought if the beast shall have been impounded for the same trespass, and that the remedies given by this act shall not interfere with the right of the owner of any lands in said enclosure to recover the actual damage done to his lands. Proviso.

6. *And be it enacted*, That it may be lawful for said owners or managers, or any one of them, after they shall at any time have erected the fence by this act required, to call any two of the township committee of the township of Hackensack or Township committee to view fence.

Harrington, not interested in lands in said tract, to view said fences, and if said township committeemen shall find a fence erected along the north and south lines of said tract in the manner required by this act, they shall so certify under their hands and seals; and said certificate, if acknowledged or proved, as conveyances are required by law to be, for the purpose of being recorded, may with the certificate of proof or acknowledgment, be recorded by the clerk of the county of Bergen, in the book of records of deeds for said county; and said certificate, so acknowledged or record thereof, or certified copy of said record, shall, without farther proof, be received in evidence in any court in this state, and shall be conclusive evidence that said fences have been erected in the manner prescribed by this act.

Election of managers.

7. *And be it enacted*, That it shall be lawful for the owners of lands lying in the boundaries of the tract of land hereby directed to be enclosed, to hold an election for three managers of said inclosive tract, to be chosen out of their own number, at some place in the township of Hackensack, on the first Monday in April next, and on the first Monday in April in each and every year thereafter; such owners when met, shall choose two inspectors of election, who shall count the votes, and the three persons who shall receive the greatest number of votes shall be elected managers; and a certificate of said election, entered in the book of minutes of said managers, shall be conclusive evidence of such election; the election to be held in April next after the passing of this act, shall be held at the house of Samuel Vanderbeck, in said township, at one o'clock in the afternoon, and in every succeeding year, at such place and hour as the managers shall direct, of which place and hour they shall give notice by advertisement set up for two weeks in three public places in said township of Hackensack.

Term of office of managers.

8. *And be it enacted*, That said managers shall hold their offices for one year and until others are elected in their stead, and shall have power to fill any vacancy in their own body, by death, resignation or otherwise.

List of owners to be kept.

9. *And be it enacted*, That the managers shall ascertain and adjudge the number of acres in said inclosive tract benefitted thereby, held by each individual owner, and shall enter the list

of the names of the owners, with the number of acres owned by each, in their book of minutes, and sign such adjudication and list in said book, and shall change, alter and renew said list and adjudication from time to time, as may be made necessary by the change of owners or otherwise.

10. *And be it enacted*, That the expenses incurred and to be incurred hereafter, in enclosing the said tract, and keeping the fences in repair, and in protecting the said tract, shall be ascertained and settled by said managers, and shall be by them assessed upon each individual owner, according to the number of acres held by him in said tract, which assessment shall be entered in the book of minutes of said managers and signed by them; and each owner shall pay to said managers, in ten days after receiving notice of such assessment, the sum assessed on him for the purposes aforesaid; and in case of neglect or refusal so to do, said managers may sue for and recover the same of such owner, in an action of debt; and in any suit by them, the book of minutes of such managers shall be evidence of such assessment and the amount due from such owner, and of all other matters directed to be entered therein; and any of said managers may be a witness to prove the fact that such book is their book of minutes. Expenses, how paid.

11. *And be it enacted*, That so much of the act to which this is a supplement, and of the former supplements thereto, as are contrary to the provisions of this act, be and the same are hereby repealed. Part of former act repealed.

Approved March 5, 1853.

CHAPTER CXXVIII.

A supplement to an "Act to prevent gaming," passed February eighth, seventeen hundred and ninety-seven; revised statutes, page five hundred and seventy-two.

Penalty for opening or keeping gambling houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the opening or keeping of any room or place for playing at billiards, or A. B. C. or E. O. table or tables, or at tennis, bowls, or shuffle board, or at faro bank, or other bank of like kind, under any denomination whatever, or for playing at nine pins, or any other number of pins, or for cock-fighting, or for pistol shooting, either for money or without money, within three miles of the main building of the College of New Jersey, shall be and hereby are declared to be offences against this state; and the owner, tenant, keeper, or attendant, of such room or place, shall be prosecuted and proceeded against by indictment, and upon conviction shall be fined in a sum not exceeding two hundred dollars, or by imprisonment for a period not exceeding six months, or both, at the discretion of the court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1853.

CHAPTER CXXIX.

A supplement to the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Poll tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a poll tax of fifty cents shall

be assessed upon every white male inhabitant of this state of the age of twenty-one years and upwards.

Property liable to taxation

2. *And be it enacted*, That all lands, tenements and real estate, and all moneys, bonds and mortgages, goods and chattels, debts due and to become due, from solvent debtors, and not barred by the statutes of limitations, together with all public stocks of incorporated companies, whether incorporated under the laws of this state or not, when such moneys, credits, bonds and mortgages and stocks belonging to residents in this state, shall be liable to taxation, subject to the exemptions hereinafter specified, and shall be assessed at the actual value thereof, at such rate per dollar as will be sufficient to produce the sum required, together with the fees for assessing and collecting the same.

What is considered real estate.

3. *And be it enacted*, That the term real estate, as used in this act, shall be construed to include all lands, all water power thereon or appurtenant thereto, and all buildings or erections thereon or affixed to the same, trees and underwood growing thereon, and all mines, quarries and fisheries.

What persons and property are exempt from taxation.

4. *And be it enacted*, That the following persons and property shall be exempt from taxation, viz:

I. The property and stock of the United States and of the state of New Jersey, and the property of all the counties, townships, cities and boroughs in said state.

II. All colleges, academies or seminaries of learning, public libraries; school houses, and all buildings erected and used for religious worship, the lands whereupon the same are erected, the furniture thereof, and the personal property used therein, pews in churches, grave yards not exceeding ten acres of ground, and all buildings erected and used exclusively for charitable purposes, with the lands on which they are erected, and the furniture used therein; also the engines and apparatus of any individual or company used for extinguishing fires.

III. The polls of all revolutionary soldiers.

IV. So much of the property of incorporated companies represented by the capital stock thereof, as by virtue of this act is taxed in the hands of the stockholders; *provided*, that nothing in this act or the acts to which this is a supplement, shall be construed to affect in any way the tax required to be paid by

Proviso.

banking or other incorporated companies upon the amount of their capital stock, nor to exempt from taxation their real estate, unless so exempt by their charter.

V. The polls of persons who, by reason of age, infirmity or poverty, are (in the judgment of the commissioners of appeal in cases of taxation,) unable to pay the taxes.

Mode of assessment.

5. *And be it enacted*, That the poll tax shall be assessed upon each person liable to such tax in the township or ward where he resides at the time of the assessment; lands, tenements and real estate shall be assessed in the township or ward where the same may be either against the owner thereof, or the tenant or other person in possession or having the care of the same; goods and chattels shall be assessed in the township or ward where the same may be, when the assessment is made, either against the owner or possessor thereof; money and stocks, and debts due and to become due from solvent debtors, shall be assessed against the owner in the township or ward where he may reside when the assessment is made; the money, goods and chattels and stocks owned by or in possession of every incorporated company liable to taxation, and not assessed in the hands of the stockholders, shall be assessed in the township or ward where the principal office shall be, or if such company have no principal office or place of transacting its financial concerns, then in the township or ward where the operations of such company are carried on; and where the tolls of any bridge, turnpike, railroad or canal company are collected in several townships or wards, the money, goods and chattels and stocks owned by such company shall be assessed in the township or ward in which the treasurer or other officer authorized to discharge the general pecuniary obligations of said company resides; and the real estate of incorporated companies liable to taxation, shall be assessed in the township or ward in which the same shall lie, in the same manner as the real estate of individuals.

Mode of keeping duplicate.

6. *And be it enacted*, That the assessor of every township or ward shall, between the days prescribed by law, annually, ascertain, by diligent inquiry, and according to the best of his ability, the names of all the persons and corporations liable to taxation in their respective townships or wards, and also all the

property liable to taxation within the same, and set down in his duplicate, in four separate columns, and according to the best information in his power:

I. In the first column the names of all the persons and corporations liable to taxation in the township or ward, as the case may be.

II. In the second column, all lands, tenements and real estate to be taxed to each person or corporation in such township or ward.

III. In the third column, the full value of such lands, tenements and real estate.

IV. In the fourth column, the value of all the goods and chattels, money, bonds and mortgages, debts due and to become due from solvent debtors, and stocks owned by and in possession of such person or corporation, and liable to taxation in such township or ward.

Deduction for debts.

7. *And be it enacted*, That from the assessed value of all goods and chattels, bonds and mortgages, debts due and to become due from solvent debtors, and not barred by the statutes of limitations and stocks, there may be deducted by the assessors or commissioners of appeal, the amount of debts due and owing by the person so assessed, and the balance, if any, shall be taken as the true value of such goods and chattels, money, debts due, bonds, mortgages and stocks for the purposes of taxation; *provided*, that the provisions of this section shall not extend to cases where the owner or owners of the property assessed shall not reside in this state, nor to foreign incorporated companies; *provided further*, that where any person shall claim a deduction for debts due and owing by him, he shall make and subscribe an oath or affirmation to the effect following, to wit: "——— county, ss., (name of deponent or affirmant) of the said county of ——— being duly (sworn or affirmed, as the case may be,) according to law, says that he, this deponent (or affirmant) has given to the assessor of the township of (name of the township or ward) in the said county of ———, the full amount of all his personal property, including goods and chattels, bonds and mortgages, debts due and to become due from solvent debtors only, and not barred by the statute of limitation, stocks and all other of his personal pro-

Proviso.

Proviso.

Oath.

perty, both within and out of the state of New Jersey, and held either in his own name or otherwise in trust for him or for his benefit, that the sum of ($ valuation) is the full value of all his personal property aforesaid; that this deponent (or affirmant) is now justly and honestly indebted in the sum of ($ the amount of indebtedness,) and that this deponent (or affirmant) is worth no more than the sum of $——— after his debts aforesaid are paid, not taking into calculation in said estimate, his real estate or any part thereof; and deponent (or affirmant) further says that there is no personal property of any description, in which this deponent (or affirmant) has any reversionary interest which has been disposed of in any way for the purpose of evading the act entitled "A supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six.

Sworn and subscribed before me this day of 18

(Signed)

Which said oath (or affirmation) shall be taken and subscribed before the assessor of the township or ward where the person assessed resides; which said assessor is hereby authorized to administer the same, and which said oath or affirmation shall be made prior to the time when by law it shall be the duty of the assessor to complete such assessment, and shall be filed within thirty days thereafter, in the clerk's office of the county where the same was taken, there to remain of record.

Assessment of trustees and guardians.

8. *And be it enacted*, That where a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character; and such assessment shall be carried out in a separate line from his individual assessment; and in case where the same property is held by several trustees, guardians or executors, only one of them shall be taxed for the same, and such property shall be assessed in the hands of such one of said executors or guardians or trustees as have the actual possession or control of such property, or the bonds, mortgages or other securities by which the same is held; *provided*, that if any such person shall before the assessment have rendered an account of such of the trust property as may be personal estate in his hands, liable to taxation, to the assessor of the township or

Proviso.

ward in which the person beneficially interested in the trust property shall reside, the same to be made so to appear by the certificate of said assessor, such property shall be assessed in the last mentioned township or ward.

Commissioners may alter assessment on proof of error.

9. *And be it enacted*, That the commissioners of appeal in cases of taxation shall have power to examine the persons appealing from any assessment, under oath or affirmation to be administered by any one of them, and also such other persons as they may deem proper, relative to such assessment, and to increase or diminish the same as justice may require.

Meeting of assessors to fix quota of tax.

10. *And be it enacted*, That when any money shall be directed to be assessed for state or county purposes, it shall be the duty of the assessors of the several townships and wards in every county, to meet at the time prescribed by law, in every year, at the place of holding the court of common pleas in such county, the assessor of each township or ward producing before the said board his duplicate of assessment, then and there to ascertain the amount of the tax required by law to be rated in the assessment to be made, and to compute the value of the real and personal estate liable to taxation, as taken by the assessor of each township or ward, and thereby to fix and adjust the proportion or quota of tax to be levied and collected in each township or ward; and it shall be the duty of said assessors, at such meeting, to make out two abstracts of the value of taxable real and personal property in each township or ward, which shall be signed by every assessor present, and on the same day delivered to the county collector, who shall lay one of the said abstracts before the legislature of the state, as now required by law; and the said assessors shall also, within fifteen days after such meeting, deliver to the township collector a true transcript or duplicate of said assessment as is now required.

Collection of taxes.

11. *And be it enacted*, That all taxes assessed under this act shall be collected in the manner provided by law; and that all parts of the act to which this is a supplement, inconsistent with the provisions of this act, together with the act entitled "A supplement to the act entitled 'An act concerning taxes,'" approved March fourteenth, eighteen hundred and fifty-one, be and the same are hereby repealed.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1853.

CHAPTER CXXX.

A supplement to the act entitled "An act to authorize the inhabitants of the township of Pompton, in the county of Passaic; the townships of Harrison, Franklin and Woolwich, in the county of Gloucester, to vote by ballot at their annual town meetings," approved March seventh, eighteen hundred and fifty.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of an act entitled "An act to authorize the inhabitants of the township of Pompton, in the county of Passaic; the townships of Franklin, Harrison and Woolwich, in the county of Gloucester, to vote by ballot at their annual town meetings," approved March seventh, eighteen hundred and fifty, which relates to the township of Woolwich, in the county of Gloucester, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1853.

CHAPTER CXXXI.

AN ACT to incorporate the Paterson Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sherman Jaqua, Thomas W. Gillis, Charles Tarbell, Andrew Derrom, David B. Beam, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the Paterson Iron Company," for the purpose of forging and manufacturing car and locomotive cranks, axles and tires, and carrying on the business of forging iron, and the business incident thereto. Names of corporators.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their office for one year, and that the said directors shall be chosen on the first Monday in January in every year, at such place and time as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days previous in one or more newspapers published in the city of Paterson, in the county of Passaic, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, being stockholders, shall be directors, and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had, and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less [than] a majority of the whole number being present when the same shall be done, and if it at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the di- Election of directors.

rectors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Sherman Jaqua, Thomas W. Gillis, Charles Tarbell, Andrew Derrom, and David B. Beam, and the survivor or survivors of them, who shall hold their office until the first Monday in January next, or until others are legally chosen.

First directors.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of fifty dollars each, but as soon as the sum of thirty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the stockholders of said company, respectively, all such sums of money by them subscribed, at such time and in such proportion as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in the said city of Paterson, in the county of Passaic.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription of the said stock shall be open at Congress Hall, in the city of Paterson, for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated for that purpose.

Stock transferable.

5. *And be it enacted*, That the stock or property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends shall be made to and among the stockholders, except from out of the net profits of the said corporation.

Proviso.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act the same should be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner provided by law in such cases, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation. Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have power to ordain, establish and put into execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government, management, or the disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same are not contrary to the constitution and the laws of the United States or of this state. Directors to make by-laws. Proviso.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be entered all the transactions of the said corporation, which shall at all times be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be kept by the president and directors for that purpose. Books of account to be kept.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders specially convened for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein, and upon such dissolution, the directors for the time being, and the survivors or survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, or the survivors or survivor of them, shall be trustees for the purpose aforesaid. Company may be dissolved. Proviso.

Limitation.

10. *And be it enacted*, That this act shall continue in force for the space of thirty years.

Passed March 9, 1853.

CHAPTER CXXXII.

AN ACT to incorporate the Newark and Clinton Plank Road Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Baldwin, George Opdyke, John S. Peshine, Thomas Belcher, John Chadwick, Samuel H. Gardner, Daniel Pierson, Horace Van Houten, Thomas McKirgan, Caleb H. Camp, Elijah B. Tichenor, Seth W. Magie, Harris M. Baldwin, John C. Beardsley, Henry Meeker, Enos Freeman, Ezra Nye, James J. Mapes, William W. Price, Caleb H. Earl, Joseph Cross, Isaac M. Ward, Abraham H. Sherman, Jedediah Baldwin, Richard T. Haines, Abraham H. Johnson, and such other persons as may hereafter be associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of "The Newark and Clinton Plank Road Company," and by that name they and their successors shall be known in law.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal estate, and shall be transferable in such a manner as the by-laws of said corporation shall direct; and that said corporation may increase the capital stock to any sum not exceeding forty thousand dollars.

Commissioners to receive subscription.

3. *And be it enacted*, That Samuel Baldwin, Thomas McKirgan, George Opdyke, Samuel H. Gardner, Thomas Belcher, William W. Price and Abraham H. Sherman, or a ma-

jority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation, and they, or a majority of them, are hereby authorized for that purpose, to open books of subscription at such times and places as they, or a majority of them, shall appoint, giving at least two weeks' notice of such times and places in two of the newspapers published in Newark, and in one newspaper published in the township of Elizabeth, and at such times and places so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock, and if more shall be subscribed than by this act is authorized, the said commissioners or a majority of them, shall apportion the same as to them shall seem fair, equitable and just; and at the time of subscribing for said stock, the sum of five dollars on each share subscribed shall be paid to the said commissioners in specie, or its equivalent, and the residue may be called in, and shall be paid at such times, and in such amounts, by instalments, as is by this act hereinafter directed.

Election of directors.

4. *And be it enacted*, That when there shall be four hundred shares of the said stock subscribed, and four thousand dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in two or more newspapers of said city of Newark, and in one newspaper printed in the township of Elizabeth, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot from among the stockholders, thirteen directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected; and each stockholder, at such election, and at all future elections of said corporation shall have one vote for each share he, she or they shall own, not exceeding five shares, and for every five shares above five, one vote; and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Duties and powers of directors.

5. *And be it enacted*, That the said board of directors so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, who shall

be a resident of this state, and such other officers, with such salaries as they may deem proper, and shall and may employ such artificiers, engineers, agents, laborers and workmen, with such compensation as shall appear to the said directors reasonable and just, and shall and may make, ordain and establish such by-laws and regulations for their own government and that of the persons in their employ, as shall from time to time be necessary to effectuate this charter; and a majority of the said board shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments not exceeding five dollars on each share, by giving thirty days' notice of such required instalments, in one or more newspapers circulating generally in the neighborhood where such stockholders reside; and if any such stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she or they so neglecting or refusing shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just; *provided always*, that no by-law or regulation of said company shall be inconsistent or repugnant to the constitution or laws of this state, or of the United States, or this charter.

Proviso.

Subscriptions to be paid over to directors.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they or a majority of them shall direct, all moneys which they have received for the subscriptions to such capital stock, first deducting therefrom all expenses to which they have been exposed for books, printing, or other necessary expenditures, and the sum of one dollar per day for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall, annually thereafter, cause an election to be held at such time and place as their by-laws shall direct, for directors of said corporation; and such directors so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen and artificiers, as is by the fifth section of this act herein provided; and shall

and may have power, at all times, to remove their officers and other persons appointed, and to appoint others in their stead, if the interest of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen by death, resignation, or otherwise.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day or at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in manner provided by law in such cases; and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places.

Company authorized to construct road.

8. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to construct a plank road on the present public highway from Newark to Camptown, commencing at some point in Broad street, at or near the line dividing the township of Clinton and the city of Newark, and terminating at the junction of the road known as the "old road," with the Newark and Springfield turnpike, by constructing thereon, in the middle of said road, a special artificial plank road, of not less than eighteen feet in width, continuous, or two tracks nine feet wide each, of substantial plank or timber, laid down in a firm and workmanlike manner, so as to present a smooth and even surface, in order to secure a good, smooth and sufficient road at all seasons of the year; and in no case to rise above an angle of ten degrees with the plane of the horizon, and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off; *provided always*, that no steam power shall be used on said road, nor iron rails or other obstructions to common travel placed thereon.

Proviso.

Rates of toll.

9. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, and demand and receive tolls for each mile, and all fractions over half a mile, of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

For every additional beast, five mills.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep or hogs, and so in proportion for a greater or less number, five mills.

For every dozen of horses, mules or cattle, one cent and a half.

And it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses or carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business to his homested farm, or any militiaman passing to or from any training on muster day appointed by law, or any other military officer or soldier, passing or repassing, when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones or posts to be erected.

10. *And be it enacted*, That before the said company shall demand or receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road, in Newark, and shall cause to be affixed and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones so erected on the said plank road, for the information of the people tra-

veling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected, pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by said company, by an action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team or horse, turn out of the said plank road to pass a gate or gates, on private grounds adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any person passing at any of the gates, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, beside being liable to make compensation for all damages occasioned thereby, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered by action of debt with costs of suit.

Proceedings in case road and bridges are not kept in repair.

14. *And be it enacted*, That if the said company shall not keep the said plank road and bridges which now are or may hereafter be erected thereon, in repair, and complaint thereof

shall be made to any judge of the court of common pleas of the county of Essex, who may be disinterested, the said judge shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons being disinterested in the said plank road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said plank road or bridge so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said plank road, the said judge shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of the said company, again to view the said plank road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner as above described, one or more respectable freeholders in

the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

15. *And be it enacted*, That the said company may from time to time, make and declare such dividends from the tolls, as they may think proper; and that when the board of chosen freeholders of the county of Essex, shall desire so to do, they may by paying to the stockholders the cost of constructing said plank road as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners of the lands on which the said plank road passes. Dividends.

16. *And be it enacted*, That the said company shall have power to construct a branch to the said plank road, along and over the public highway leading from Newark to Elizabethtown, commencing at, or near the starting point of the said plank road and terminating in Elizabethtown, at or near the crossings of the New Jersey Railroad and Transportation Company, and the Central Railroad, which said branch road shall be constructed in the same manner, be governed by and subject to all the provisions, restrictions and requirements of this act concerning the said plank road from Newark to Camptown, and the said company shall possess, and be entitled to exercise over the said branch road, all the rights, powers and privileges, to which they are entitled by this act, to possess and exercise over the said plank road leading from Newark to Camptown; *provided*, that neither of said plank roads shall be constructed until two thirds of the whole number of persons residing or owning lands on the road on which said plank road is proposed to be constructed, shall signify their consent in writing under their hands. Branch road may be constructed. Proviso.

17. *And be it enacted*, That the inhabitants residing in any district through which said plank roads shall pass, shall not be assessed for the maintenance and repair of any part or portion of road in their several districts, during its occupancy by the said plank road company; but the legal voters in such districts, may, and are hereby authorized to meet annually, as the law directs, and elect overseers of the highways, and the said overseers are hereby authorized and empowered to make a just and equitable assessment of road tax upon the inhabitants residing Assessment of road tax.

and owning property in their several districts; and persons so assessed shall be entitled to the same privileges, and subject to the same penalties as are set forth in the act concerning roads, approved April sixteenth, eighteen hundred and forty-six; and if any person or persons so assessed, shall neglect or refuse to pay such road tax, the same shall be recovered with cost by action of debt by the overseer of such district, in any court of record having cognizance of such sum, the same when recovered to be applied to the object for which such assessment was made.

Restrictions and liabilities.

18. *And be it enacted*, That the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act, entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 9, 1853.

CHAPTER CXXXIII.

AN ACT to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren.

Boundaries of town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Independence, contained within the following limits, to wit: beginning in the middle of the channel of the Musconetcong river, where the line divides the township of Mansfield and Independence, and run from thence along said line to the Morris canal; thence along said Morris canal to the middle of the bridge over said canal, in front of John Addis' farm house; thence in a straight line in the middle of the road, to a point in the middle of the channel of the Musconetcong river; thence

down the middle of the channel of the same to the place of beginning, shall be and hereby is erected into a borough or town corporate, which shall be called and known by the name of "The Town of Hackettstown," and the inhabitants thereof shall be and hereby are incorporated by the name of "The inhabitants of the town of Hackettstown," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law, capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; may have a corporate seal and alter the same at their pleasure; and may by their corporate name aforesaid, purchase, receive, hold and convey any estate, real or personal, for the public use of said corporation.

Rights, privileges and immunities.

2. *And be it enacted*, That the said corporation, in addition to the rights, privileges and immunities granted, and the duties and obligations imposed by this act, shall be entitled to all the rights, privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state, upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Annual town meetings.

3. *And be it enacted*, That the inhabitants of the town of Hackettstown, qualified by law to vote at town meetings, shall hold a town meeting at James A. Hamilton's hotel, in Hackettstown, on the second Monday of April next, at ten o'clock in the forenoon, and on the second Monday of April in every year thereafter, at the same hour, and at such place in said town as the electors thereof at their annual town meetings shall from time to time direct and appoint, which meetings, and such other town meetings as may from time to time be convened, shall be organized and conducted in the same manner as such meetings in the townships; and the officers thereof shall posses the same powers, and be subject to the same duties and restrictions, unless where otherwise provided by this act.

Town officers.

4. *And be it enacted*, That at such annual town meetings, the citizens of said town qualified to vote as aforesaid, shall elect by ballot, the following officers, all of whom shall be

residents in said town, to wit: one mayor and six common councilmen, all of whom shall hold their respective offices for one year, and until others are chosen and legally qualified in their stead, one assessor, and one collector, who shall be inspectors of the elections, one clerk, one judge of election, one town superintendent of public schools, one chosen freeholder, two surveyors of the highways, one or more constables, one or more overseers of the poor, as many overseers of the highways and pound keepers as the inhabitants of the town shall deem necessary, and as many justices of the peace as the inhabitants of the town may at the time be entitled to elect; all of whom shall take the same oath or affirmation, give the same securities for the performance of their respective duties, hold office for the same times, and in all respects have the same powers, privileges, rights and jurisdiction, perform the same duties, and be subject to the same restrictions, liabilities and penalties, as the like officers elected by any townships in this state, unless where otherwise directed or provided by this act; but in all cases where the word "township" occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word "town" shall be substituted.

Mode of conducting election.

5. *And be it enacted*, That the first election of town officers shall be held by the person chosen by the voters present, to preside at or superintend the town meeting, and two inspectors of election, who, together with a clerk to be chosen for such meeting, shall be chosen in the same manner, and all subsequent elections by the judge of elections, and the assessor and collector, who shall be inspectors of the election of said town, a majority of whom shall determine all questions respecting the right of voting at such elections; and the name of each person voting shall be recorded by the town clerk, in a poll list kept for that purpose; each voter shall give a single ballot, designating the names of the persons for whom he votes, for each office respectively; the polls shall be kept open until four o'clock in the afternoon, and when the polls are closed the votes shall be counted, and the number received by each person for each office, certified by the judge and inspectors, or a majority of them, and the several persons having a plurality of votes for each office respectively, shall be declared to be

elected, and the said board of election shall in all things conform to the laws of this state regulating elections.

Vacancies, how supplied.

6. *And be it enacted*, That if the inhabitants of said town fail or neglect, at their annual town meeting, to choose any of the officers required to be chosen, or if any of the officers chosen shall die, remove out of the town, refuse to serve, or become incapable of serving, the vacancies may be supplied, by elections held in the manner directed in the preceding section, at town meetings, to be called for the purpose, in the same manner as in the townships; and in case of the neglect of the electors for fifteen days after such failure or omission to choose, or after the death, removal, refusal, or inability of any such officers, justices of the peace excepted, the common council shall, by writing under their hands and seals, appoint suitable persons to fill such vacancies; and the persons so elected or chosen to fill vacancies shall, during the remainder of the term of said offices, possess the same powers and privileges, and be subject to the same laws, rules and regulations, as such officers elected at the annual town meeting.

Meetings of common council.

7. *And be it enacted*, That the mayor and common councilmen shall constitute the common council of said town, and the said common council shall meet at such times and places as the inhabitants of the town, at their annual town meetings, may designate, or the said common council may by their by-laws appoint; and special meetings of the common council may be called by the mayor, or by any three members, by giving such notice as the by-laws may require; at the meetings of the common council the mayor shall preside, but in his absence the other members may appoint any one of their number chairman pro tempore; four members shall constitute a quorum to do business, and each member present shall be entitled to a vote; the said common council and its members, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon the township committees, and the commissioners of appeal in cases of taxation, of the townships, and the members of each, collectively and individually; and when performing the duties which belong to the said township committees, or commissioners of appeal in cases of taxation, shall receive the compensation allowed by

law for the performance of such duties, but shall not be allowed compensation in more than one character for any day's service; and they shall be entitled to no pay or compensation for their services as members of the common council, except for their actual and necessary expenses in discharge of their duties.

Common council may pass by-laws.

8. *And be it enacted*, That it shall and may be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances, as they shall judge proper, for regulating, cleaning, and keeping in repair the streets, side-walks, highways, and public alleys in said town, preventing and removing all obstructions and encroachments in and upon the same, preventing immoderate riding or driving through the streets, and riding or driving on the sidewalks; for regulating and preventing the running at large of cattle, horses, sheep, goats, swine, and geese; for preventing, abating, and removing nuisances; for lighting the streets; for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly, or indecent conduct and drunkenness; for suppressing disorderly or gambling houses and groggeries, and for suppressing vice and immorality; for graveling and paving streets and side-walks; for protecting shade and ornamental trees on the streets, highways, and public grounds; for protecting public property and property belonging to the corporation; for providing a supply of water, and preventing and suppressing fires; for regulating and prescribing the duties of fire engineers and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, and in the militia in time of peace, and after serving ten years, successively, as firemen, shall be exempt from duty as such, and also remain exempt from serving as jurors in said courts, and in the militia in time of peace; for compelling the cleaning of chimneys; for regulating or preventing the carrying on of dangerous or noxious manufactures; for appointing watchmen, and prescribing their powers and duties, and regulating the police of the town; for establishing and regulating public pounds; for restraining vagrants, mendicants and street beggars; for establishing and regulating public markets, and such other by-laws and ordinances for the peace and good order of said town, as they may

deem expedient, not repugnant to the constitution or laws of this state or of the United States; and to enforce the observance of all such by-laws and ordinances, by exacting penalties for the violation thereof, either by imprisonment, not exceeding seven days, or by fine not exceeding fifty dollars, recoverable, with costs, in an action of debt, in the name of the treasurer of the town of Hackettstown, for the use of the inhabitants of the town of Hackettstown, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in said town or in the township of Independence, in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, the said mayor and the justices of the peace in said town, are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the laws and ordinances, passed as aforesaid, by warrant, under his hand and seal, directed to the keeper of the Warren county jail, who is hereby authorized and required to receive and safely keep the persons so committed, but the costs and expenses of committing and keeping such persons shall be paid by said corporation; and every person thinking himself aggrieved by the decision of such mayor or justice of the peace, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein what to them shall appear just and reasonable; *provided always*, that each and every by-law and ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper circulating in said town, or posted up in three of the most public places in said town, before such by-law or ordinance shall go into effect; *and provided also*, that no such ordinance or by-law shall be enacted or passed, unless the same shall have been introduced before the common council at a previous meeting. Proviso. Proviso.

9. *And be it enacted*, That it shall be lawful for the common council of the said town, in common council convened, to make and establish ordinances and regulations for the leveling, grading, and paving, flagging, or graveling sidewalks in any street or streets in said town, by the owners of lots fronting on or Regulating and paving streets.

adjoining such street or streets, and to appoint one or more discreet and skilful person or persons, if necessary, to superintend the said work, and prescribe the manner in which the same shall be performed; and when any of the said owners shall have fully complied with any of such ordinances and regulations, he or they shall be entitled to receive, out of the treasury of the said town, one half of the expense of the said work, as ascertained and reported to the common council by the person or persons appointed to superintend the said work.

Proceedings in case owners refuse to comply with ordinance.

10. *And be it enacted*, That if the owner of any lot, in front whereof the sidewalks shall, by such ordinance or regulation be directed to be leveled, graded, and paved, flagged or graveled, shall neglect to comply with such ordinance or regulation, within forty days from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed, and certified by three assessors, to be appointed by the said common council, which said assessment shall be examined and approved by the said common council.

One-half of estimate to be lien on lot.

11. *And be it enacted*, That one half of the amount of the estimate or assessment to be made as aforesaid, on any lot in said town, shall be and remain a lien thereon, from the time of the completion and return of such estimate or assessment, in manner aforesaid, until paid or otherwise satisfied; and it shall be lawful for the common council, if they shall see fit, in case the owner of any lot, or any house and lot within the said town, shall neglect as aforesaid, to comply with such ordinance or regulation in respect to the sidewalks in front thereof, to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said town, and to sue for and recover in the name of the treasurer of the town of Hackettstown, for the use of the inhabitants of the town of Hackettstown, one half of the amount so paid from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out and expended, to and for the use of such owner or owners, or his or their legal representatives; and in every such action,

the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff; and the other half of the said assessment shall be paid out of the treasury of the said town; *provided*, that said common council shall not proceed to execute any of the improvements named in the ninth section, without the consent, in writing, of a majority of the persons to be assessed therefor, be first had and obtained. Proviso.

12. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact in which the said corporation is a party, or in which it is interested in any way, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said town; and if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial. Inhabitants not deemed incompetent as witnesses.

13. *And be it enacted*, That the mayor and common councilmen shall, each, before entering upon the duties of his office, take and subscribe an oath or affidavit, before a justice or commissioner of the supreme court, or a judge of the court of common pleas, or justice of the peace of the county of Warren, faithfully and impartially to execute the duties of his office; which oath shall be filed and kept by the town clerk. Mayor, &c., to take oath.

14. *And be it enacted*, That the mayor of the said town of Hackettstown is hereby authorized and empowered to administer oaths and affirmations in all cases where they are directed to be taken before him, or are prescribed by law, without designating before what officer, or are necessary and proper in the discharge of his duties; and the said mayor may authorize and require the constables of the town to execute all warrants or other process issued by him in the discharge of his duty, under the same liabilities and penalties as said constables are subject to, in case of warrant or other process issued by a justice of the peace. Mayor authorized to administer oaths.

15. *And be it enacted*, That the common council shall choose annually, a suitable person for treasurer, who shall serve until his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys and other property Duties of treasurer.

belonging to, or due, or owing in any way to the said corporation, from the collectors and other officers or persons who may have collected or received, or who may hold the same, and safely to keep the same, and all vouchers therefor, to pay out said moneys on the warrants of the common council, to account to the common council for the same, and at the expiration of his office to pay over and deliver to his successor all such moneys, property, and vouchers therefor, as may be in his hands, and at least once in each year to make out a full and true account of all moneys raised and received, by tax or otherwise, for the use of said corporation, and of the application and expenditure of the same, and deliver the said account to the town clerk, at least ten days previous to the annual town meeting; and the said clerk shall file the same in his office, and cause a copy thereof to be published in one or more newspapers circulating in said town, at least five days previous to said meeting; or posted up in three of the most public places in said town; and the accounts of the treasurer shall at all times be subject to examination by the common council, who, in case of default or violation of duty, may remove him from office, and appoint another in his stead, for the remainder of the year and until a successor is appointed and sworn into office.

Treasurer to give bond.

16. *And be it enacted*, That such treasurer, whenever appointeds, hall execute a bond to the inhabitants of the town of Hackettstown, in such sum and with such securities as the common council shall approve, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe an oath or affirmation before the mayor, or before a judge of the court of common pleas, or justice of the peace of Warren county, faithfully to perform said duties; which oath shall be filed and kept by the town clerk.

Town clerk to be clerk of common council.

17. *And be it enacted*, That the clerk of the said town, besides performing the duties required by law, of the clerk of a township, unless where otherwise directed by this act, shall also be the clerk of the common council, and shall keep an exact and true record of the votes and proceedings, and of all by-laws and ordinances passed by the said common council, which record shall at all reasonable and proper times, be open to the inspection of any inhabitant of said town; *provided*, that in case of the

Proviso.

absence of the clerk from any meeting of the common council, the members may appoint any one of their number clerk pro tempore, who shall in like manner keep an exact record of their proceedings, and sign his name thereto.

Compensation of officers.

18. *And be it enacted*, That it shall be lawful for the common council to pay unto the treasurer, clerk and other officers and agents of the town, such compensation for their services as the said common council shall deem reasonable and proper.

Taxes may be raised.

19. *And be it enacted*, That the citizens of said town, qualified to vote at town meetings, shall be and hereby are empowered at their annual town meetings, or at any other meeting duly held for that purpose, to vote, grant and raise such sum or sums of money, for the purposes for which the townships in this state are authorized to vote, grant and raise the same, as the majority of them shall deem necessary and proper, which votes shall be by ballot; and it shall be lawful for the common council, from year to year, to vote and raise by tax, such sum or sums of money as they shall deem necessary and proper, and the money so voted and granted shall be assessed, and levied and collected with the state and county taxes, by the proper officers, in the same manner and under the like fees, fines and penalties, as in the townships; and such fees, fines and penalties, shall, when recovered, be paid to the treasurer of the town, for the use of said town.

Relative to the school fund of state.

20. *And be it enacted*, That the said town shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas of the townships are or may be ascertained, which shall from time to time be paid over to the treasurer of the town, or such other person as the common council may authorize to receive it, and applied under the direction of the common council in the manner prescribed by law; the said town shall also be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Independence, in the county of Warren, are now subject, and be entitled to its just and equitable proportion of the money and property now belonging to the inhabitants of the township of Independence, in the county of Warren, which said debts and liabilities, and also said money and property, shall be divided between the said

town of Hackettstown and the said township of Independence, in proportion to the taxable property and rateables, as taxed by the assessor at the last assessment, within the respective limits of the said town and township, as established by this act; and any money or property to which the said town may be so entitled, shall be applied under the supervision of the common council, for the purpose and in the manner for and in which they are now authorized to be used by said township; and the said town shall also be entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships of Warren county.

Annual elections.

21. *And be it enacted*, That the town of Hackettstown shall constitute one election ward, and all elections hereafter held for officers of the county of Warren, of the state of New Jersey, and of the United States, shall be held within said town, at the place appointed by the inhabitants for the next annual town meeting, and every person resident in said town, entitled to vote at such elections, shall give his vote in said town, and not elsewhere; at all such elections the judge of elections, the two inspectors of elections and the clerk, chosen as aforesaid, shall be respectively, judge of elections, inspectors of elections and clerk; and in case of the absence or incapacity to act of any of them, their places shall be supplied in the manner prescribed by law, and they and each of them, or the persons appointed to act in their places, shall possess the powers, perform the duties, and be subject to the provisions of the laws regulating such elections.

Common council to grant licenses to taverns and menageries.

22. *And be it enacted*, That the said common council, or a majority of them, in common council met, shall have the sole and exclusive right and power of licensing and assessing every innkeeper, tavern keeper and retailer of spirituous liquors within said town, subject to the same provisions, and in like manner as the same is or may be lawfully done by the courts of common pleas in this state; and the said common council shall have the sole and exclusive power of licensing all menageries or collections of wild beasts or animals, and all circuses, plays or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said borough,

which said power of licensing, the said common council may by ordinance delegate to the mayor of the said borough; and any such license may be granted on such terms, and under and subject to such limitations and restrictions as the said common council may by ordinance prescribe; and all moneys which may be derived from granting any such license, shall go to and for the use of said borough; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited within the borough, any matter or thing hereinbefore specified, without having first obtained such license as aforesaid, he, she or they shall be proceeded against under and by virtue of the statute of this state entitled "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, or under and by virtue of the act entitled "An act to regulate the exhibition of beasts or animals," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

Act may be amended.

23. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and be referred to as a public act in all courts and places, and by all persons; but the legislature may at any time hereafter modify, amend or repeal the same, whenever in their judgment such alteration, modification or repeal shall be required for the public good.

Approved March 9, 1853.

CHAPTER CXXXIV.

AN ACT to incorporate benevolent and charitable associations.

Associations incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons not exceeding one thousand in number, associated for benevo-

lent and charitable purposes, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes, to elect by ballot such and so many officers of such association as shall be deemed necessary, which said association and such other persons as may be associated with them, are hereby constituted a body politic and corporate in law, by whatever name they shall assume; and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended, in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid and under their common seal, may make and enter into, execute and enforce, any contracts or agreements relating to, touching or concerning the objects of said corporation.

Officers to file certificate.

2. *And be it enacted*, That the said officers of such association, elected as aforesaid, shall immediately certify such corporate name under their hands, and file such certificate in the office of the clerk of the court of common pleas of the county in which such association shall have holden the said election, whose duty it shall be to record the same, and for which he shall be entitled to receive twenty-five cents.

Property vested in corporation.

3. *And be it enacted*, That the estate and property, of what kind soever the same may be, of such association, shall be vested in them as a corporation, and by their corporate name such association shall be able to purchase, receive, take, hold and convey, for the use and benefit of such corporation, and for the purpose of effecting the objects of its incorporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic and corporate; *provided*, that the clear yearly income or value of the real and personal estate of any such corporation shall not exceed in value the sum of two thousand dollars.

Proviso

Corporations may make by-laws.

4. *And be it enacted*, That incorporations under this act shall be authorized to make, adopt and use, and from time to time to alter, amend, or change such general form of a constitution, and such by-laws for their government as to them shall seem right and proper; *provided*, that nothing in said constitu-

Proviso.

tion or by-laws be repugnant to the constitution or laws of the United States or of this state.

Objects of incorporations.

5. *And be it enacted*, That the sole and exclusive object of incorporations under this act, shall be the relief or support of such of the members thereof as shall by sickness, casualty, or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage intemperance and diffuse the principles of benevolence and charity, and also towards the decent interment of deceased members, or the widows of deceased members, and other charitable purposes, as may be provided for in the constitution and by-laws of such incorporation, and such other necessary expenses as shall accrue by carrying into effect the objects herein set forth, and no part of the funds of such corporation shall be used for banking purposes, or in any manner, except as provided for in this act.

Election of officers.

6. *And be it enacted*, That the officers of any such incorporation shall be elected in the manner provided by law in such cases, at such times, and in such place as the said corporation shall by their constitution or by-laws provide; and the officer or officers to whom shall be entrusted the custody of the funds of any such corporation shall give bond for the faithful discharge of the duties of his or their office, in such sum and with such sureties as the association may determine.

Associations incorporated under former act may organize under this.

7. *And be it enacted*, That any association of persons heretofore incorporated under the provisions of the act entitled "An act to incorporate benevolent and charitable associations," passed March twelfth, eighteen hundred and forty-four, be and they are hereby authorized to organize under this act in the manner provided in the first section; and upon filing a certificate of the corporate name of such association, as required by the second section, all the right, title and interest of any association heretofore incorporated, in any estate, real or personal, shall be vested in the said body corporate and politic so created, and the original incorporation of such association shall be null and void.

Former act repealed.

8. *And be it enacted*, That the act entitled "An act to incorporate benevolent and charitable associations," passed March twelfth, eighteen hundred and forty-four, be and the

same is hereby repealed, except so far as relates to associations heretofore incorporated under said act.

Act may be repealed.

9. *And be it enacted*, That the legislature may at any time alter, modify, or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act; and the same shall take effect immediately.

Approved March 9, 1853.

CHAPTER CXXXV.

AN ACT to incorporate the Bloomfield Cemetery Company, in the county of Essex.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph A. Davis, Ira Dodd, Chavrier Peloubet, Caleb D. Baldwin, Israel C. Ward, and Simeon Baldwin, and their associates, be and they are hereby constituted a body politic and corporate in law, by the name of "The Bloomfield Cemetery Company," and to do all such things as are incident to a corporation, and necessary for the purposes of this act.

Objects of incorporation.

2. *And be it enacted*, That the said "The Bloomfield Cemetery Company," shall be composed only of persons who are or shall be owners of sub-lots, or burial places in the said cemetery; and that the said corporation shall have power to take and hold in fee, the tract of land situated in the township of Bloomfield, now owned by the Bloomfield Presbyterian Society, and occupied as a burial ground, containing about ten acres, and such other land which the said corporation may hereafter add thereto for the purpose aforesaid, not exceeding thirty acres in the whole; and that the said corporation shall hold

such tract or tracts of lands in trust, for the uses hereinafter mentioned, to wit:

I. The said corporation shall have power to lay out and divide said tract or tracts into sub-lots, and may sell and otherwise dispose of the said sub-lots in the said cemetery, and take proceeds of sale to their own proper use and behoof, and may erect thereon such improvements, buildings and accommodations, as they may deem suitable. Lay out and sell lots.

II. The sub-lots shall be conveyed to the respective purchasers in fee, and the purchaser of each lot, his heirs and assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the avenues and walks, subject to such regulations as may be established by the said corporation, relative to the rights and privileges of the holders of lots, and the transfer of the same, the digging of graves, the building of vaults, the erecting of monuments, and the ornamenting and preserving the whole or any part of said cemetery; *provided*, that this act shall in no wise impair the rights of the present owners of lots in said burial ground, or affect the title of such owner to the same, whether held by deed or other legal tenure. Use of lots. Proviso.

3. *And be it enacted*, That the care and management of the said cemetery, and the business of the said corporation shall be confided to six managers, being lot holders, who shall have the exclusive superintendence thereof, with power to fill any vacancy that may occur in the board of managers, from the death, resignation, neglect, or refusal to act, of any manager, and with power to appoint and employ such officers and agents as they may deem expedient, and to fix the compensation of such officers and agents, which managers shall be chosen as hereinafter mentioned by the owners of the sub-lots, at such time and place as the board of managers for the time being may direct. Duties of managers.

4. *And be it enacted*, That the following persons shall constitute the first board of managers, that is to say: Joseph A. Davis, Ira Dodd, Chavrier Peloubet, Caleb D. Baldwin, Israel C. Ward, and Simeon Baldwin, who shall, within one month after the passage of this act, be divided by agreement or by lot, into three classes, consisting of two persons Election of managers.

each, and be so arranged, that the term of service of one of said classes shall expire at the end of one year, one at the end of two years, and one at the end of three years; that two managers shall be elected at the end of the first year, two at the end of the second year, and two at the end of the third year, by the majority of the proprietors present, either in person or by proxy, and in like manner from year to year; and it shall be the duty of the managers for the time being, immediately before proceeding to an election, to make a report to the proprietors, of the state of affairs of the association; and whenever any annual or other meeting of the stockholders shall be called, public notice thereof shall be posted in at least five of the most public places in the township, for two weeks, stating the time, place and object of such meeting.

Managers to make by-laws.

5. *And be it enacted*, That a majority of the proprietors present at their first meeting convened for such a purpose, and at each successive annual meeting as aforesaid, shall have power to make by-laws, rules and regulations, relative to the duties of the managers, the rights of lot holders, the privileges of visitors, and the general government of the affairs of the cemetery; *provided, however*, that after any by-law, rule or regulation, shall be adopted, the same shall not be altered or repealed except by a vote of two thirds of the proprietors represented at a meeting regularly convened for that purpose, each proprietor to be entitled in all cases to one vote for each lot owned by him; *provided further*, that the proprietors may at their first meeting, or at any annual meeting, if a majority concur, vest and empower the managers for the time being, to make any by-laws, rules and regulations for the government of the cemetery, which they may deem expedient.

Proviso.

Proviso.

Property not to be taxed.

6. *And be it enacted*, That the premises, burial lots, vaults, monuments, and other erections and fixtures of said cemetery, shall not be subject to any assessments, taxes or fines, unless otherwise ordered by the board of chosen freeholders of the county of Essex, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law or assignment, under any insolvent law whatever, except for encumbrances existing at or previous to the passage of this act; and that no street,

road or railroad, shall hereafter be opened through the lands of this corporation.

Approved March 9, 1853.

CHAPTER CXXXVI.

AN ACT exempting members of independent military companies in the city of Paterson, in the county of Passaic, from jury service.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, any and all persons connected with independent military companies, as members thereof, in the city of Paterson, shall be and they are hereby exempt from serving as jurors in any of the courts of law in this state, while they shall be subject to military duty as members of said companies. Members of military companies exempted from jury duty.

Approved March 9, 1853.

CHAPTER CXXXVII.

AN ACT to annex a part of the township of West Windsor, in the county of Mercer, to the township of Princeton, in the said county.

1. BE IT ENACTED *by the Senate and General Assembly of the state of New Jersey*, That the territory which is embraced within the bounds of the township of West Windsor, in the Part of West Windsor annexed to Princeton township.

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county of Mercer, lying west of the eastern bank of the Delaware and Raritan canal, as the same now is laid out, be and the same is hereby set off from the said township, and annexed to and made a part of the township of Princeton, in the said county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1853.

CHAPTER CXXXVIII.

AN ACT supplementary to the act entitled "A supplement to an act entitled 'An act for the preservation of sheep,'" approved April fourteenth, eighteen hundred and forty-six.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is supplementary, so far as relates to the township of Frelinghuysen, in the county of Warren, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1853.

CHAPTER CXXXIX.

A supplement to an act entitled "An act to incorporate the city of Paterson."

Powers and duties of police constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the police constables appointed or hereafter to be appointed by the president and council of the city of Paterson shall be the ministerial officers of the police justices in all causes, complaints or actions instituted or to be instituted before such police justices, or any of them, whether of a criminal or civil nature; and shall have the same powers and perform the same duties and receive the same compensation for services, as constables of the county of Passaic, in like causes, complaints or actions, before any justice of the peace of said county.

Persons offending may be committed to work house.

2. *And be it enacted*, That when any person shall be convicted before any police justice of said city, of a violation of any ordinance passed by the said council, upon which judgment of imprisonment may be rendered, such justice may at his discretion, instead of the warrant of commitment mentioned in the eleventh section of the act to which this is a supplement, issue a like warrant under his hand and seal, directed to the overseer of any workhouse erected or used by said council, who shall retain and safely keep such person at some profitable employment during the time mentioned in such warrant, and according to the terms thereof.

Proceedings in case constable's bond becomes insufficient.

3. *And be it enacted*, That whenever in the opinion of the said council the official bond given by any constable elected in any of the said districts or wards, shall be or become insufficient, for any reason, or from any cause, it shall be lawful for the said council, or the major part of them, in council assembled, so to declare, by vote, order or resolution; and when such bond of any such officer shall be so declared insufficient, he shall be notified thereof by the clerk of said city, and thenceforth his powers and authority as constable shall cease and determine, until he shall execute a new bond, with sureties, to the

satisfaction of said council, or the major part of them, for the faithful performance of his duties during the remainder of the term for which he was elected; *provided however*, that this act shall in no wise affect his duties and powers under and by virtue of any process in his hands at the time of such notice, nor any right of action on such insufficient bond existing at or before the time of such notice.

Proviso.

Officers or inhabitants of city not incompetent as jurors.

4. *And be it enacted*, That no police justice, or judge of the inferior court of common pleas of the county of Passaic, shall be disqualified from sitting in judgment upon the trial or argument of any cause or point in controversy, in any cause wherein the president and council of the city of Paterson are or may be parties, or in any wise interested; nor shall any constable, juror or witness be deemed incompetent in any such cause, because such judge, justice, constable, juror or witness is an inhabitant of said city, or liable to be taxed within the same.

Forfeited recognizances.

5. *And be it enacted*, That every recognizance, taken by or before any justice of the peace in said city, by virtue of the first or second section of an act entitled "An act for the maintenance of bastard children," approved April tenth, eighteen hundred and forty-six, shall be in the name of the president and council, and when forfeited, the same may be prosecuted for their benefit, and all moneys arising therefrom shall be paid into the treasury of said city.

Appeals from judgments of police justices

6. *And be it enacted*, That the inferior court of common pleas of Passaic county shall have cognizance of, hear and determine in a summary way, all appeals from judgments rendered by any police justice, in any suit or action brought by the said president and council, and shall give judgment and award execution thereon in like manner, and to the like effect as such justice might have done, with costs either on the affirmance or reversal of the judgment appealed from, and that the trial of such appeal shall be had, subject to the same rules in all respects, as trials of appeals from the judgment of a justice of the peace are had.

Provisions of former act extended.

7. *And be it enacted*, That the provisions of the nineteenth section of the act to which this is a supplement, shall extend and be applied to lots in said city, whether dwelling houses be

erected thereon or not; and that the publication of the ordinance therein referred to, in one or more newspapers published in this state, shall be deemed and taken to be notice of the passage of such ordinance to all persons interested therein.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1853.

CHAPTER CXL.

A further supplement to an act entitled "An act to incorporate the Newark Orphan Asylum Association."

Poor children may be placed in custody of association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the overseer of the poor of the city of Newark, by the consent of said association, to place any poor child who is or shall become chargeable to said city, and for any mother or guardian of any poor child whose father is dead, or whose father has for the space of one year neglected to support the said child, or make provision therefor, to place such poor child in the care and custody of said association, by writing, under his or her hand and seal; and if any person or persons shall entice away, or take or cause to be taken away from such care and custody, any child heretofore placed, or which shall hereafter legally be placed therein (except such children for whose support money is paid to such association) without the written consent of such association through its proper officers, every such person so offending, shall, on due proof thereof, before any justice of the peace of the county of Essex, be punished by fine, not less than twenty nor more than fifty dollars, or by imprisonment in the county jail not less than three nor more than six months; and all fines imposed under the provisions of this act,

Penalty for enticing children away.

shall be paid to the treasurer of said association, for its use; and such child so enticed or taken away, shall be restored to the care and custody of the said association.

Part of former act repealed.

2. *And be it enacted*, That so much of the act to which this is a supplement, and the supplement thereto, as is inconsistent with or repugnant to the provisions of this act, be and the same is hereby repealed.

Approved March 9, 1853.

CHAPTER CXLI.

A further supplement to the act entitled "An act respecting executions and regulating the sale of personal estate by virtue thereof," approved April sixteenth, eighteen hundred and forty-six.

Sheriff to appoint appraisers in certain counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appraisers to be appointed under the second section of the act to which this is a supplement may be appointed by the sheriff having the execution or civil process against the defendant, in the counties of Sussex, Warren and Hunterdon; and when so appointed, said sheriff is hereby authorized to administer the oath to said appraisers, and to endorse the same on said appointment.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 9, 1853.

CHAPTER CXLII.

A supplement to the act entitled "An act concerning justices of the peace and courts of general quarter sessions of the peace," approved April sixteenth, eighteen hundred and forty-six.

Powers of judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the courts of common pleas in and for the several counties of this state shall, jointly and severally, have full power to keep and cause to be kept, all laws made or to be made for the conservation of the peace, and for the good government of the citizens and inhabitants of this state, within the said counties, respectively, according to the force, form and effect of the said laws, and shall have and exercise all the powers and duties within the said counties, respectively, in criminal cases, which justices of the peace now have and exercise or hereafter may have.

Who may admit criminals to bail.

2. *And be it enacted*, That when any person charged with any criminal offence shall have been committed to jail, it shall not be lawful for any justice of the peace other than the justice who shall have made such commitment, to admit such person to bail; *provided, however*, that in any such case, the sheriff of the county wherein such commitment is made, upon receiving the approbation and consent in writing of any judge of the court of oyer and terminer in such county, may, at his discretion, admit such person to bail.

Proviso.

Approved March 9, 1853.

CHAPTER CXLIII.

A further supplement to the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to an act entitled 'An act for the preservation of sheep,'" approved April fourteenth, eighteen hundred and forty-six, which supplement was passed March twenty-fourth, eighteen hundred and fifty-two, shall be extended to, and be of full force and effect within the townships of Hohokus, Franklin and Washington, in the county of Bergen, and in the township of Tewksbury, in the county of Hunterdon, in this state.

Part of former act repealed.

2. *And be it enacted*, That the first, second, fifth and tenth sections, and all such other sections and parts of sections of the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, as are repugnant to or inconsistent with the provisions of this act, so far as relates to the townships of Hohokus, Franklin and Washington, in the county of Bergen, and to the township of Tewksbury, in the county of Hunterdon, shall be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect on the first day of April next.

Approved March 9, 1853.

CHAPTER CXLIV.

AN ACT to incorporate the Hackettstown Aqueduct Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That subscription books to the capital stock of the Hackettstown Aqueduct Company may be opened within six months after the passing of this act, by William Rea, Robert Stelle, Lewis C. Cook, William L. Johnson and Robert Rusling, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, shall direct, giving notice thereof at least twenty days prior to the opening of said books, in five public places in Hackettstown and vicinity. Commissioners to open books of subscriptions.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with the privilege of increasing the same to twenty thousand dollars, to be divided into shares of twenty dollars each, and when two hundred shares are subscribed for, the persons holding the same, their successors and assigns shall be, and they are incorporated into a company, by the name of the Hackettstown Aqueduct Company, and by that name shall be capable of purchasing, or otherwise becoming seized and possessed of, holding and conveying real and personal estate, and of using, hiring and renting, and otherwise disposing of the water they may raise and procure; shall have power to make and use a common seal, and the same to alter; and by said corporate name to sue and be sued, and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary to promote and effect the object of this corporation, which is hereby declared to be the supplying the town of Hackettstown with pure and wholesome water. Amount of capital stock.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar on each share shall be paid, or secured to be paid, to the said commissioners, or to some one of them, in such mode as the commissioners in their discretion shall direct, which money and securities shall be paid and delivered over to the treasurer of the said company, as soon as one shall Payment of instalments.

be appointed, and the residue of said subscriptions shall be paid in such instalments, at such times and places, and to such person or persons as the president and directors of said company shall from time to time direct, by notice being posted in three of the most public places in said town of Hackettstown; and upon failure of payment thereof, as so directed, the president and directors shall have power to forfeit the share or shares of each and every person so failing to pay said instalments, or any one of them, to the use of the said company.

Election of directors.

4. *And be it enacted*, That when one hundred shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice, by posting in three public places in said town of Hackettstown, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon elect by ballot five directors, a majority of whom shall be resident in Hackettstown, to manage the affairs of said company for one year, of which election some discreet person to be chosen by said commissioners, or a majority of them, shall be judge, and at the expiration of that term, and annually thereafter, at a day and hour to be designated, and upon like notice to be given by the said directors for the time being, or a majority of them, the said stockholders shall elect the same number of directors, a majority of whom shall be residents in Hackettstown as aforesaid; and in all cases of elections, the stockholders may vote either in person or by proxy, and each stockholder shall have a vote for each and every share he holds.

Duties of president.

5. *And be it enacted*, That within twenty days after each annual election as aforesaid, the said directors shall elect from their own body a president of the said company, who shall hold his office for one year, or until another shall have been elected, and shall receive such compensation for his services as the said directors, or a majority shall direct, and shall be the presiding officer at all meetings of said directors, and have the casting vote when they shall be divided; shall have charge of the seals of said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of his absence, death, refusal or inability to act, the said directors, or a majority of them, shall appoint from their body a suitable person

in his place, who for the time being shall possess the same power and authority, and perform the duties herein prescribed.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That if from any cause any election hereinbefore named, shall not be held at the time specified therefor, this charter shall not be avoided thereby, but the same may be made at any time upon notice as aforesaid, and until such election is had, the officers previously elected by the stockholders shall continue to hold their respective offices until others are elected in their stead.

Duties and powers of directors.

7. *And be it enacted*, That three directors, of whom the president shall be one, shall be a quorum for business, and the said directors, or a majority of them, shall have power to fill any vacancy in their body occurring between the annual elections, occurring by death, removal or refusal to act, and to appoint a treasurer and all other officers, engineers, agents, superintendents and servants, that may be required to transact the business of the company, with such compensation, respectively, as they may determine on, and to exact from them due security; to regulate and assess the tolls, taxes and water rates, to be paid to and levied by the said company; to have the superintendence and direction of the effects, receipts, disbursements and other affairs of the said company, and to make, prescribe and enforce such ordinances and by-laws as they may deem necessary and expedient to govern the conduct of all persons with whom they may contract for a supply of water from their works, or who may be benefitted by the use of said water, in order to regulate the use of said water, and to preserve the same from waste; and by such ordinances and by-laws to impose penalties and forfeitures for a breach thereof, or for a neglect or refusal to comply therewith; *provided*, such penalty or forfeiture shall not in any one case exceed ten dollars; *and provided also*, the person offending shall have notice two weeks before an action is brought, which penalties and forfeitures shall be recoverable in the name of the said company, before any justice of the peace of the county of Warren, with costs, in an action of debt, as well from any stockholder of said company as from any other person, and to enable, prescribe and enforce such by-laws and ordinances as they may deem expedient for regulating the transfer of stock, and for the gen-

Proviso.

Proviso.

eral government of the company and the management of its affairs; *provided*, the same be not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Company authorized to convey water into Hackensack.

8. *And be it enacted*, That it shall be the duty of the president and directors, as soon as may be after the company shall have been organized, to proceed to bring and convey into the town of Hackettstown, by means of pipes, conduits, forcing pumps or other machinery, water from the Musconetcong river, or from some spring or springs, the right to which and to the stream or streams flowing from the same, shall have been previously vested in said company; also to provide proper cisterns or reservoirs, the site or sites for which shall have been previously vested in the said company; to dig ditches and lay pipes or conduits, and to alter and repair the same, and for this purpose to enter upon and through such lands and enclosures as may be deemed necessary, doing as little damage as possible, and paying for any damage done to the said lands and enclosures; and in case of disagreement between the parties, as to the sum to be paid for such damage, it shall be the duty of the said parties, each to choose a respectable freeholder, (not a stockholder in the company,) and they shall choose a third, whose judgment, or the judgment of any two of them, shall be final.

Dividends.

9. *And be it enacted*, That the stock of the said company shall be considered personal property; and it shall be lawful for the said directors, or a majority of them, to make dividends of so much of the profits of the said company as shall appear advisable from time to time.

Company authorized to lay down pipes.

10. *And be it enacted*, That it shall and may be lawful for the said company to lay, sink and extend their said pipes, conduits and branches, through such of the streets and highways of said town of Hackettstown, as the said directors, or a majority of them, may deem advisable and necessary; and for that purpose, and whenever it may be necessary to alter, remove or repair the same, to dig, excavate and remove so much of the said soil and earth as may be necessary to restore the said streets and highways to their former condition, shall be replaced at the expense of said company, as soon as may be compatible with a judicious prosecution of the said works.

11. *And be it enacted*, That if any person or persons shall wilfully injure, destroy or obstruct the pipes, conduits, branches, machinery, fixtures, or works of the said company, such person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of triple the amount of damages, or imprisonment in the county jail for a term of not less than thirty days, nor more than one year, or both together, with the costs thereon, at the discretion of the court having competent jurisdiction. Penalty for injuring works.

12. *And be it enacted*, That this act shall be deemed and taken for a public act, and go into effect immediately. Public act.

Approved March 10, 1853.

CHAPTER CXLV.

A further supplement to the act entitled "An act to incorporate the Paterson Fire Association," passed November third, eighteen hundred and twenty-one.

WHEREAS, by a supplement to said act, approved March seventh, eighteen hundred and forty-eight, the officers of the Paterson Fire Association, and the members of the fire department of said association are exempted from service of jurymen in all courts of the county of Passaic, during their legal term of service in the said association and fire department; and whereas, said supplement contains no mode of ascertaining the names of the persons thereby exempted from such service; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president of the said Paterson Fire Association shall, within twenty days after his election, in each and every year, cause to be filed with the clerk of the county of Passaic, a list of the officers of the Paterson List of members to be filed.

Fire Association, and of the members of the fire department of said association; and in default thereof, that no such officer or member shall be exempted from service of jurymen in any of the courts of said county of Passaic.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CXLVI.

A further supplement to the act entitled "An act for the settlement and relief of the poor," approved April the tenth, eighteen hundred and forty-six.

Warrant, how directed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the justices mentioned in the second section of the act entitled "A supplement to the act for the settlement and relief of the poor," approved April the tenth, A. D. eighteen hundred and forty-six, which supplement was approved March nineteenth, A. D. eighteen hundred and fifty-two, to direct the warrant of removal mentioned in said second section of said supplement, to the overseer or overseers of the poor to them applying, according to the provision of said section, or to a constable, and that such warrant, when so directed, may be executed by such overseer or overseers, as well as a constable.

Removal of paupers.

2. *And be it enacted*, That when any person having a legal settlement in this state shall become chargeable to any township, city or town corporate in this state, and shall be removed to his or her place of settlement, by an order of two justices, and shall thereafter return to the township, city or town corporate, from whence so removed as aforesaid, and shall there again become chargeable, it shall be the duty of the overseer

of the poor of the township, city or town corporate where the legal settlement of such paupers has been so fixed as aforesaid, on being notified, by mail, by the overseer of the poor of the township, city or town corporate where such pauper has again become chargeable, to take back said pauper, on the original order, to the place of his or her legal settlement, fixed as aforesaid, and to refund to the said township, city or town corporate, where the said pauper has become chargeable as aforesaid, any money that may have been expended in the support of such pauper.

Removal of colored servants.

3. *And be it enacted*, That when any poor colored servant has a right to support from any person, or from the estate of any person deceased, and shall become chargeable, in any township, city or town corporate, such poor colored servant may be removed in the same manner as other paupers are removed, to the township, city or town corporate where the said servant last served with the said person liable for his or her support as aforesaid, which said last mentioned township, city or town corporate shall be deemed and taken as the place of legal settlement of said poor servant; *provided*, that nothing herein contained shall be deemed to exonerate any such person or estate from liability to support such poor colored servant, but the township, city or town corporate to which such servant is removed, shall and may recover from such person or estate all charges for the support of such colored servant.

Proviso.

Part of former act repealed.

4. *And be it enacted*, That anything in the eighteenth section of the poor law, repugnant to or conflicting with the second section of this act, be and the same is hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CXLVII.

A supplement to the act entitled "An act for erecting the town of Fieldsborough, in the county of Burlington, into a borough," approved March seventh, eighteen hundred and fifty.

Preamble. WHEREAS, the inhabitants of the borough of Fieldsborough, at a public meeting, empowered the burgesses of said borough to open all streets, lanes and alleys that they might deem necessary in said borough; and whereas, the burgesses of said borough have doubts as to their right, under the present borough charter, to open said streets, lanes and alleys; therefore,

Burgesses authorized to open streets. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the burgesses of the borough of Fieldsborough to open all streets, lanes and alleys in said borough, whenever a majority of the legal voters of said borough requests them to do so, first paying to the owner of the lands taken therefor, such compensation as shall be agreed upon between them, or in case of disagreement, such compensation as shall be awarded by three disinterested commissioners, to be appointed for the purpose by a judge of the court of common pleas of the county of Burlington.

Treasurer to pay money on order of burgess. 2. *And be it enacted*, That it shall and may be lawful for the treasurer of said borough to pay out any moneys belonging to said borough under the direction and upon the written order of one or both of the assistant burgesses in connection with the chief burgess.

By-laws of borough. 3. *And be it enacted*, That it shall and may be lawful for the inhabitants of said borough to pass all by-laws necessary for the better regulation of said borough, not repugnant to the constitution of this state or of the United States.

Approved March 10, 1853.

CHAPTER CXLVIII.

A further supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons formed and organized under the act to which this is a supplement, to deposit in addition to the stocks mentioned in said act, and the supplement thereto, the bonds of the city of Newark, issued in accordance to law, by the mayor and common council of said city, bearing interest not less than six per cent. as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking. Newark city bonds may be deposited.

2. *And be it enacted*, That it shall be lawful to deposit in addition to the stocks mentioned in said act, to which this is a supplement, the Jersey City water scrip, issued by authority of an act of the legislature, approved March twenty-fifth, eighteen hundred and fifty-two, bearing interest at the rate of six per cent., subject to all the provisions and restrictions of the act to which this is a supplement. Jersey City water scrip may be deposited.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CXLIX.

A further supplement to the act entitled "An act to incorporate the city of Newark."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the mayor Limitation of amount of city debt.

and common council of the city of Newark, under and by virtue of the provisions of an act entitled "An act to incorporate the city of Newark," or of any supplement thereto, to create any city debt or issue any bonds or other instruments for the payment thereof, to an amount exceeding the sum of two hundred and fifty thousand dollars.

Approved March 10, 1853.

CHAPTER CL.

AN ACT to extend the time for selling the real estate of Garrit G. Garritson, deceased, late of the county of Bergen.

Preamble.

WHEREAS, Garrit G. Garritson, deceased, late of the county of Bergen, in and by his last will and testament, duly executed according to law, did order and direct as follows: "Item—I do hereby constitute and appoint John R. Berdan and my son, Simeon Garritson, executors of this my last will and testament, with full power to sell and convey, by deed, all and singular the real estate of which I die seized, be the same wherever it may, and I do direct my aforesaid executors to sell my said real estate, at public auction, within one year after my decease;" and whereas, the real estate of said testator, now unsold, consists of a farm of about one hundred and two acres, situated on the Passaic river, in the county of Bergen, and cannot be advantageously sold within the time directed in and by said will, the same having been twice duly advertised and exposed at public auction by said executors; therefore,

Executors authorized to sell lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, after the expiration of one year from the death of said Garrit G. Garritson, for John R. Berdan and Simeon Garritson, executors as

aforesaid, to sell and convey to any person, for the best price that can be obtained for the same, at public auction, all or any part of the real estate of the said Garrit G. Garritson, and that any conveyance by them, duly executed, for the whole or any part of the said real estate, shall vest in the purchaser as full and ample a title to the same, as if the sale and conveyance thereof had been made within the year succeeding the decease of said testator.

Approved March 10, 1853.

CHAPTER CLI.

AN ACT to authorize the construction of a draw or swing bridge over the Elizabethtown creek.

Freeholders authorized to build bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Essex to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, at or near the residence of John T. Woodruff, with a suitable draw or swing therein, which said draw or swing shall be at least forty feet in width, for the convenient passage of all vessels navigating the said creek.

Penalty for leaving open draw.

2. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person or persons shall cut, remove or destroy any piece of timber, draw, swing, post or pile, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage or cause to be damaged, the said bridge, draw or swing, unnecessarily, he, she or they so offending shall, for each and every offence, forfeit and pay the sum of twenty dollars over and above the damage done to the said bridge, draw or swing, to

be recovered in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same; one half of said sum for the use of the prosecutor, and the other half to the collector of the county of Essex, for the use of the said county.

Freeholders to make regulations concerning bridges.

3. *And be it enacted*, That in case it shall become necessary for the protection of the said bridge and draw or swing, and the accommodation of persons passing over or through the said bridge, to have the same put in special care of some person suitable for that purpose, then and in that case it shall and may be lawful for the board of chosen freeholders of the said county, for the time being, to make such regulations as they shall deem necessary, for the better protection and accommodation of the same; *provided*, that they shall be in accordance with the preceding sections of this act.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLII.

AN ACT to incorporate "The Blackwoodtown Academy."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the state of New Jersey*, That George Cheeseman, Jonas Livermore, Lewis Livermore, Edward Turner, George Jones, John E. Marshall and William S. Kaighn, their associates, and successors shall be and they are hereby constituted a body politic and corporate, by the name of "The Blackwoodtown Academy," located at Blackwoodtown, Camden county, New Jersey.

Object of incorporation.

2. *And be it enacted*, That the object of the said corporation is hereby defined to be the advancement of education.

Trustees.

3. *And be it enacted*, That the corporate powers hereby

granted shall be and hereby are vested in a board of seven trustees, a majority of whom shall always be citizens and residents of this state, and a majority of them shall constitute a quorum for the transaction of any business of the corporation.

First trustees.

4. *And be it enacted*, That the persons named in the first section of this act, shall constitute the first board of trustees, and shall have power from time to time, to fill vacancies in the board as they may occur, to elect their own officers and transact the business of the corporation in accordance with the constitution and by-laws of the institution, and to remain in office until the first Monday evening in April, or until their successors shall be chosen.

Corporation may hold real estate.

5. *And be it enacted*, That for the purpose of carrying into effect the object of this act, the said corporation shall have power, from time to time, to purchase, take and hold real and personal estate, and to lease and dispose of the same; *provided*, the value shall not exceed the sum of ten thousand dollars.

Proviso.

Stock transferable.

6. *And be it enacted*, That the stock shall be divided into shares of fifty dollars each, and shall be transferable on the books of the corporation, and shall entitle the owner thereof to one vote for each and every share so held by him, either in person or by proxy, both in the management of the general business, and in the election of officers.

Election of trustees.

7. *And be it enacted*, That the stockholders shall meet at the academy on the first Monday evening in April, annually, for the election of a board of trustees, and may at any time make and adopt such constitution, by-laws, rules and regulations as shall be in accordance with this act, and not repugnant to the constitution of the United States and of this state.

Approved March 10, 1853.

CHAPTER CLIII.

AN ACT to incorporate the Forest Home Cemetery.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Vail, George T. Cobb, Henry A. Ford, James J. Scofield, George Vail, Edward W. Whelpley, Stephen Vail, John W. Poineer, Stephen Fairchild, Robert K. Tuttle, William Whitney and Albert H. Stanburrough, and such of their associates as shall become subscribers towards the purchase of lands to be held for the purposes intended by this act, are hereby constituted a body corporate by the name of "The Forest Home Cemetery," and that the said corporation shall, except as herein otherwise provided, possess the powers and privileges, and be subject to the restrictions and liabilities incident to associations formed under and by virtue of the act entitled "An act authorizing the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one, and that the annual election shall take place on the third Tuesday in January, yearly, and that the aforenamed persons shall be the managers of the concerns of the said cemetery, until trustees are chosen at or after the annual election; and that the said cemetery may purchase, take and hold in fee for the uses and purposes mentioned in said act, any tract or tracts of land situate in the township and county of Morris, not less than thirty, nor exceeding two hundred acres.

Annual election.

Names of deceased persons to be registered.

2. *And be it enacted*, That it shall be the duty of the said association to cause to be registered in a proper book to be kept for that purpose, the name of every deceased person interred therein, and as accurately as can be ascertained at the time, the dates and places of their death and birth, the names of their parents, and the number of the lot where buried, which register shall be kept and preserved as a public record, to which all persons interested may have access.

Associations may purchase lots.

3. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society within the county of Morris, may purchase and hold lots in said cemetery,

in which they may bury, agreeably to their peculiar rites or ceremonies, subject only to the rules and regulations of said cemetery.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLIV.

AN ACT relative to the lunatic asylum.

Managers to procure plan and estimate of extension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the lunatic asylum be instructed to employ some suitable architect to draw a plan for the extension of said building upon each wing, and an estimate of the expense thereof to complete it thoroughly, and to furnish apparatus to heat and light the said wings, and also the expense for suitable furniture, and that the same be submitted to the next legislature at the commencement of its sitting; and that the governor be authorized to draw his warrant upon the state treasurer for such compensation to the said architect as he may deem reasonable and proper.

Appropriation for current expenses.

2. *And be it enacted*, That the sum of five thousand and seventy dollars be paid by the treasurer, out of the state treasury, to defray the current expenses of the lunatic asylum, and that this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLV.

AN ACT ceding jurisdiction to the United States over lands to be occupied as sites of light houses and keeper's dwellings within this state.

Jurisdiction ceded to United States:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That jurisdiction is hereby ceded to the United States over so much land as may be necessary for the construction and maintenance of light houses and keeper's dwellings within this state at the places mentioned in the second section of this act, not to exceed ten acres of land for each, as long as such light houses are maintained thereon; the same to be selected by an authorized officer of the United States, approved by the governor, and the boundaries of the land selected with such approval endorsed thereon, and a map thereof filed in the office of the secretary of this state, and by him recorded;

Proviso.

provided always, that the assent aforesaid is granted upon this express condition, that this state shall retain a concurrent jurisdiction with the United States, in and over the several tracts aforesaid, so that all civil processes and such criminal processes as may issue under authority of this state, against any person or persons charged with crimes committed without the bounds of said tract may be executed therein in the same manner as though this assent had not been granted.

Location of lights:

2. *And be it enacted*, That the foregoing shall be applicable only to such land as shall be selected and approved as aforesaid, and a survey thereof filed and recorded as above provided for the construction of the following light houses, to wit: for two beacon or range lights for the main Gidney's channel, to be located in the vicinity of Point Comfort; two beacons or range lights for main channel from the Narrows to South West Spit to be placed between the highlands of Navesink and Shoal Harbor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLVI.

AN ACT to authorize "The Red Bank and Woodbury Turnpike or McAdamized Road Company" to extend their turnpike road through the main street of Woodbury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Red Bank and Woodbury Turnpike or McAdamized Road Company" be and they are hereby authorized to extend their turnpike road from the southerly end thereof through the main street of Woodbury, to the junction of the turnpike roads leading towards Bridgeton and Salem, a distance of nearly one mile, upon the conditions, limitations and restrictions, and subject to the like liabilities and penalties as are contained in the act incorporating said company. Extension of road authorized.

2. *And be it enacted*, That the additional stock necessary to be created for constructing and extending said turnpike road, be apportioned by the board of directors of said company, to and among the stockholders of said company, rateably, and in proportion to the amount of stock held by them respectively in said company; and if any stockholder shall neglect or refuse to receive the stock so apportioned to him or her, for twenty days after notice in writing, of such apportionment, the directors may then dispose of said stock in such manner as they shall think most to the interest of the company; *provided*, that no share of said stock shall be sold for less than its par value. Stock to be apportioned. Proviso.

Approved March 10, 1853.

CHAPTER CLVII.

AN ACT relative to the compensation of the board of state canvassers and the electors of president and vice president.

Compensation of state canvassers and electors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the board of state canvassers, and the electors of president and vice president of the United States, shall receive for their services, the daily pay and mileage which for the time being shall be allowed by law to the members of the legislature of this state, to be paid by the treasurer, on warrants to be signed respectively by the chairman of the board of state canvassers, or by the president of said electors.

Approved March 10, 1853.

CHAPTER CLVIII.

AN ACT to repeal an act entitled "An act to incorporate the Franklin Turnpike Company," passed March sixth, eighteen hundred and six.

Preamble.

WHEREAS, the president and directors of the Franklin Turnpike Company have prayed for a repeal of the act incorporating them, and such repeal appears to be required by the public interest; therefore,

Former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Franklin Turnpike Company," passed March the sixth, eighteen hundred and six, be and the same is hereby repealed.

Approved March 10, 1853.

CHAPTER CLIX.

AN ACT to incorporate the Camden and Atlantic Land Company.

WHEREAS, it is represented that Stephen Colwell, John C. Dacosta, W. W. Fleming, A. K. Hay, W. Coffin, Joseph Porter, Enoch Doughty, Jonathan Pitney and Samuel Richards, and others, their associates, interested in the Camden and Atlantic Railroad Company, now own certain tracts of land, and have contracted to purchase other tracts situate in the counties of Camden and Atlantic, on and near the route of the said railroad, and also on Absecum beach, in the county of Atlantic, at the terminus of said railroad, of which they intend to divide into suitable building and other lots, and to sell and dispose of the same for the benefit of the association, with the object as well of erecting a town and watering place on Absecum beach, as also of improving the country through which the said railroad is located and intended to pass; and whereas, it is necessary for the success of the undertaking of the said associates, that they shall be able to convey the said premises, from time to time, to such as may be desirous to purchase, notwithstanding death or other cause affecting the individuals owning, or who may own, the said land; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen Colwell, J. C. Dacosta, W. W. Fleming, A. K. Hay, Joseph Porter, W. Coffin, Enoch Doughty, Jonathan Pitney, Samuel Richards, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they hereby are created a corporation and body politic and corporate, by the name of "The Camden and Atlantic Land Company." Names of corporators.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed Amount of capital stock.

and paid, at such times, in such manner, in such instalments, and upon such notice as the directors of the said company, by their by-laws or otherwise, may direct and appoint; and in case of failure by any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of said company.

Stock transferable.

3. *And be it enacted*, That the capital stock of the said company shall be deemed personal property; and the said shares shall be transferable only on the books of the company, in such manner as the board of directors, by by-laws, may direct; and every share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.

Election of directors.

4. *And be it enacted*, That the affairs of the said company shall be managed by nine directors, to be chosen by the stockholders of the said company, annually, at such time and in such manner as by the by-laws of the said company may be directed, who shall serve for one year and until others shall be chosen in their stead; notice of which said election shall be previously given, for two weeks at least, in some newspaper published in the city of Camden; the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary.

First directors

5. *And be it enacted*, That Stephen Colwell, John C. Dacosta, W. W. Fleming, William Coffin, Joseph Porter, Enoch Doughty, Jonathan Pitney and Samuel Richards shall be the first directors of said company, who, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Company authorized to hold real estate.

6. *And be it enacted*, That so soon as the said company shall be organized, it shall be authorized to receive conveyances for the lands now owned as aforesaid, or which have been contracted for as aforesaid, and which it is intended to appropriate as aforesaid, from the owners of the same, respectively, at such prices and on such terms as may be mutually

agreed on between the said owners, respectively, and the said company, the said land to be conveyed to the said company by its corporate name; and the said company are hereby authorized to lay off the same into suitable building and other lots, to lay out suitable streets, squares, alleys and other divisions, when necessary and proper, and to level and grade the same, and from time to time to sell and convey the said premises so divided and improved, to such purchasers as may respectively desire to purchase the same.

Limitation.

7. *And be it enacted*, That this act shall not continue in force longer than twenty years; and the legislature may alter, modify and repeal the same, whenever, in their opinion, the public good requires it.

Approved March 10, 1853.

CHAPTER CLX.

AN ACT to authorize the inhabitants of Hackensack to enclose the public green in said village.

Preamble.

WHEREAS, the inhabitants of Hackensack, in the county of Bergen, are desirous to improve and embellish the public green in said village; and whereas, there is no law by which such improvements may be protected from injury; therefore,

Public green to be inclosed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the village of Hackensack, and they are hereby authorized to enclose with a rail or wire fence, such part of the public green as shall be agreed on between them, and the consistory of the First Dutch Reformed Church in said village, leaving sufficient passage way on all sides of the same, for the

use of the public and the members of said church with their horses and carriages.

Penalty for injuring works.

2. *And be it enacted*, That if any person or persons shall wilfully break down, deface, or destroy any portion of said railing or fence, or maliciously injure any trees, shrubbery or other embellishments within the enclosure, such person or persons shall, on conviction thereof, be subject to a fine of not less than three nor more than ten dollars for each and every offence, and shall be subject to the payment of double the amount of damages so accruing, to be recovered in an action of debt, in the names of the committee, in any court having cognizance of the same.

Annual election for committee.

3. *And be it enacted*, That such of the inhabitants of Hackensack, and others, as shall have subscribed and paid at least the sum of one dollar for the aforesaid purpose, are hereby authorized to elect by ballot on the first Monday of April annually, five persons to be a committee, with full power to raise subscriptions, collect funds, procure materials, employ workmen, and to do all such acts as may be necessary and proper to carry into effect the provisions of this act; and said committee shall hold their office for one year, and until others are elected in their stead, with power to fill any vacancy which may occur.

Approved March 10, 1853.

CHAPTER CXLI.

AN ACT to regulate the rates of ferriage at the Hoboken and Jersey City ferries.

Rates of ferriage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of May next, it shall and may be lawful for the proprietors of the

ferries at Hoboken and Jersey City to charge the following tolls or rates of ferriage, and no more:

Every person on foot, above ten years old, three cents.

Under ten years and above five years old, two cents.

Man and horse, or horse only, nine cents.

Ordinary four wheeled trucks, loaded, two horses and one person, thirty-seven and a half cents.

Ordinary four wheeled truck, light, two horses and one person, twenty-five cents.

Ordinary wagons, or market wagons, including loads of green clover and grass, two horses and one person, twenty-five cents.

For every additional person, three cents.

Ordinary wagons or market wagons, including loads of green clover or grass, one horse and one person, twelve and a half cents.

For every additional person, three cents.

A coach, coachee, chariot, barouche, phæton, pleasure wagon, or sleigh with more than one seat, two horses, one person, thirty cents.

For every additional person, three cents.

A light pleasure carriage, barouche or pleasure wagon, two horses, one person, twenty-five cents.

For every additional person, three cents.

A light pleasure carriage, barouche, or pleasure wagon, one horse, one person, twelve and a half cents.

For every additional person, three cents.

A cart with driver, one horse, loaded or empty, twelve and a half cents.

A wagon load of straw or hay, with two horses and one person, fifty cents.

A wagon or cartload of hay or straw, with one horse and one person, thirty-seven and a half cents.

Any kind of carriage or sleigh, without horse, half price.

A wheelbarrow and one person, loaded or empty, six cents.

A hand cart and one person, loaded or empty, eight cents.

Cattle, single or in droves each fifteen cents.

Calves and hogs, dead or alive, each three cents.

Sheep, lambs and shoats, dead or alive, each three cents.
Sucking pigs, do., each two cents.
Raw hides, each three cents.
Skins, each half a cent.
Dry hides, each one cent.
Bundles of sole and upper leather, per side, each one cent.
Bundles of hay, each nine cents.
Paper, in bundles, per ream, half a cent.
Wheat, corn, and other grain, per bushel, half a cent.
Oats, green peas and beans, per bushel, one cent.
Potatos, per bushel, one and a half cents.
Barrels containing apples and vegetables, each six and a quarter cents.
Boxes of oranges and lemons, each five cents.
Baskets containing fruit or vegetables, each three cents.
Oysters, per bushel, three cents.
Horse feed, per bushel, one cent.
Meal, flour or coffee, in bags, each three cents.
Large boxes containing live fowls for market, each twelve and a half cents.
Small boxes and large baskets, containing live fowls, in proportion.
Salt in bags, per bushel, two cents.
Sugar, per cwt, five cents.
Pipe, hogshead of spirits or wine, each fifty cents.
When empty, eight cents.
Tierce of spirits or wine, each thirty-seven and a half cents.
When empty, six and a quarter cents.
Barrels of spirits or wine, each eighteen and three quarter cents.
When empty, three cents.
Hogsheads of molasses or sugar, each thirty-seven and a half cents.
When empty, six and a quarter cents.
Tierce of molasses or sugar, each twenty-five cents.
When empty, five cents.
Barrels of molasses, sugar, beer, beef, pork and oil, each ten cents.
Barrels of flour and lime, each five cents.

When empty, two cents each, except flour barrels, one cent.

Baskets of wine, each six and a quarter cents.

Crate, hogshead, tierce, &c., containing earthen ware or glass, each twelve and a half cents.

And when empty, tierce or crate each four cents.

Large size firkins, each five cents.

Second size firkins, each three cents.

Pails of butter, each one cent.

Cheese, ham, codfish, &c., per cwt., five cents.

Chests of tea, each four cents.

Half chests of tea, each two cents.

Tobacco in kegs, each four cents.

Churns containing milk, each six and a quarter cents.

Iron, steel, lead, paints and other metals, per cwt., five cents.

Boxes of window glass, each two cents.

Boxes of soap and candles, each three cents.

Kegs of nails, each five cents.

Specie in large kegs or boxes, each twenty-five cents.

For less size, and for every one thousand dollars, twelve and a half cents.

For fancy chairs, each two cents.

For common chairs, each one cent.

Sofas and pianos, each twenty-five cents.

Bureaus, each twelve and a half cents.

Bedsteads, beds, tables, writing desks and small bureaus, each six and a quarter cents.

Tool chests, ploughs and corn machines, each six and a quarter cents.

Stoves, and grates, large size, each twelve and a half cents.

Small size in proportion.

Joists and boards, each one cent.

Lumber and timber, per thousand feet, one dollar.

And all animals and things not herein enumerated shall be charged proportionably to the foregoing rates.

2. *And be it enacted*, That the legislature may at any time hereafter alter and modify the rates of ferriage at the ferries aforesaid, and that this act shall go into effect immediately. Act may be repealed.

Approved March 10, 1853.

CHAPTER CLXII.

A supplement to an act entitled "An act to authorize the owners of lands upon tide waters to build wharves in front of the same."

Owners of land to pay expenses of application.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the necessary and legal expenses of the board of chosen freeholders of any county in this state, or of any committee thereof, or of the board of commissioners authorized by the sixth section of the act to which this is a supplement, which may be incurred in hearing and determining any application for license to build a dock, wharf or pier, according to the provisions of said act, shall be paid by the owner or owners of lands, making application therefor.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXIII.

A supplement to the act entitled "An act to incorporate the New Jersey Magnetic Telegraph Company."

New line authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company are hereby authorized and empowered to lay out and construct a new line of telegraph across the state of New Jersey, and are hereby empowered with all the rights and powers, under and by virtue of the original act of incorporation of said company, and are also made liable to all the conditions, restrictions, and limitations in said original act mentioned for this purpose.

Approved March 10, 1853.

CHAPTER CLXIV.

A supplement to the act entitled "An act to incorporate the Mullica Hill and Pittsgrove Turnpike Company," approved March fourteen, eighteen hundred and fifty-one.

WHEREAS, it is believed that the sixth section of the said act of incorporation contains a proviso incompatible with the ninth clause of the seventh section of the constitution of New Jersey; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the said act shall be amended, after the word *provided*, in the twenty-seventh line thereof, so as to require that the said company shall pay, or make tender of payment, to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of the said turnpike road, before entering upon said lands for the construction of the said turnpike road; and in case the said company and said owners cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner provided in said act for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel or other materials from his or her lands for the construction or maintaining of said turnpike road; *provided*, that nothing in this act, or the act to which this is supplemental, shall authorize said company to change the present location of their road. Part of former act amended. Proviso.

2. *And be it enacted*, That the affairs of the said company shall be managed by a board of seven directors, to be elected on the first Monday in April next, by a meeting to be convened for that purpose, at the house of Ira Gibson, upon the same notice as is now required by the said act for the election of directors, and annually thereafter at such time and place as the stockholders of the said company, by their by-laws may determine. Election of directors.

3. *And be it enacted*, That it shall be lawful for the said Mullica Hill and Pittsgrove Turnpike Company to extend and Company authorized to extend road.

continue their said turnpike along the main stage route from Pole tavern to Bridgeton, from the termination of their said turnpike road at the Pole tavern to the point where the said road crosses the line between the counties of Salem and Cumberland, whenever a majority of the stockholders of the said company, at a meeting lawfully convened for that purpose, shall so determine; *provided*, that in the said extension of their road, the said company shall be subject to all the liabilities and restrictions, imposed upon them in the said act, in constructing the turnpike road from Mullica Hill to the Pole tavern.

Proviso.

Part of former act repealed.

4. *And be it enacted*, That as much of the third and sixth sections of the act hereby amended, as conflicts with this supplement, be and the same is hereby repealed.

Approved March 10, 1858.

CHAPTER CLXV.

A supplement to an act entitled "An act relative to freight and transit duties on railroads in this state," approved March twenty-fourth, eighteen hundred and fifty-two.

Charge for transportation of light and bulky goods.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to charge for the transportation of light and bulky goods on any railroad in this state, and on the routes continuous therewith, to the termination thereof, the same charge for every eighty cubic feet, as is limited by law for the transportation of one ton by weight, and at a proportionate rate for a greater or less number of cubic feet; and the transit duty to the state shall be paid on such goods, where the charge for transportation is made in accordance with this section, as if eighty cubic feet were one ton in weight.

2. *And be it enacted*, That any railroad company of this state may, by giving notice to any person or persons offering goods, merchandize or baggage, for transportation on the railroad, or in the boats or vessels of such company, limit their responsibility as carriers thereof, to one hundred dollars for every one hundred pounds weight of such goods, merchandize, or baggage, and at that rate for a greater or less quantity, unless such person or persons so offering such goods, merchandize, or baggage for transportation, shall pay to said company, by way of insurance, for any additional amount of responsibility to be assumed, such rate or rates as may be charged by said company therefor, not to exceed the legal rates for transporting one hundred pounds of goods or merchandize on such railroad, or in such boats or vessels, for every two hundred dollars of additional responsibility, assumed on each one hundred pounds of such goods, merchandize or baggage, and at that rate for a greater or less quantity; and a general notice of the limitation of such company's responsibility, placed in a conspicuous place, at or in the receiving office of such company, where goods, merchandize or baggage are usually received by them for transportation, and inserted in the bills of lading, or receipts given for such goods or merchandize, and in the tickets delivered to passengers, shall be deemed sufficient notice under this section. Company may limit their responsibility.

3. *And be it enacted*, That the first section of the act to which this is a supplement, be and the same is hereby repealed. Part of former act repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXVI.

A supplement to the act entitled "An act to incorporate the National Telegraph Company," approved March twelfth, eighteen hundred and fifty-one.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the National Telegraph Company shall be, and the same is hereby changed to that of "The Atlantic Telegraph Company."

Company authorized to erect line of telegraph along Atlantic coast.

2. *And be it enacted*, That said company shall have the power to erect a line of telegraph along the Atlantic coast, with power to extend the same to Freehold, in Monmouth county, without connecting the same with any main line of telegraph erected or to be erected by said company, anything in the act incorporating said company to the contrary notwithstanding.

Approved March 10, 1853.

CHAPTER CLXXVII.

A supplement to the act entitled "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six.

Ambassadors to have powers of commissioners of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any ambassador, public minister, charge of affairs, or other representative of the United States for the time being, at any foreign court or government, shall have the same powers as are given by the act to which this is a supplement, to the commissioners appointed by virtue of the fifth section of the said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXVIII.

A supplement to an act entitled "An act authorizing the incorporation of rural cemetery associations."

Part of former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement is hereby amended, so as to authorize any association incorporated under the provisions of said act, to take and hold in the manner and for the purposes therein mentioned, not exceeding seventy-five acres of land.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXIX.

A supplement to the act entitled "An act to prevent frauds by incorporated companies," approved April fifteenth, eighteen hundred and forty-six.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighteenth and nineteenth

sections of the act to which this is a supplement, be and the same are hereby extended to insurance companies incorporated in this state.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 10, 1853.

CHAPTER CLXX.

A further supplement to the act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Trustees authorized to purchase land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of public schools in said city are hereby authorized to purchase and hold in their name as such trustees, suitable lots of ground in the said city, and erect thereon such buildings and improvements as shall be required for the use and proper management of said schools, and to sell, pledge, mortgage, or otherwise dispose of said lots as they shall deem best for the interests of said schools.

Trustees may borrow money

2. *And be it enacted*, That for the purposes mentioned in the foregoing section, the said board of trustees shall have power from time to time, to raise by loan, such sum or sums of money as they may require, and may make provision for the payment of such loans, and the interest thereon, by appropriating therefor a portion of the school moneys that come into their hands; *provided nevertheless*, that the amount of such loans shall not, at any one time, exceed the sum of ten thousand dollars.

Proviso.

Annual poll tax to be raised for school purposes.

3. *And be it enacted*, That every male inhabitant of said city, liable to taxation, shall pay an annual poll tax of one dollar for public school purposes, in addition to the sum ordered

to be raised by the said board of trustees for the same; which said poll tax shall be assessed, collected and paid over in like manner as the other school taxes in said city.

City council to prescribe character of buildings.

4. *And be it enacted*, That it may be lawful for the city council of the said city, by ordinance, to prescribe the character and stability of all buildings to be hereafter erected within the bounds of said city, to direct the depth of foundation, thickness and materials used in the construction of the walls thereof, and regulate all such other matters as shall be deemed necessary to be observed in the construction of buildings, to protect and ensure the health and safety of the citizens; *provided*, that no party wall shall be less than nine inches in thickness.

Proviso.

Penalty for erecting buildings contrary to ordinance.

5. *And be it enacted*, That it shall be lawful for the said city council to provide by ordinance for the punishment, by fine, of the builders, contractors and owners, or any of them, of any building or buildings erected contrary to the provisions of such ordinances as shall be adopted under the preceding section, and to compel the alteration or removal of such building or buildings.

Inspectors of buildings to be appointed.

6. *And be it enacted*, That the said city council shall have power to appoint such officer or officers as they shall deem necessary, to inspect all buildings hereafter to be erected in said city, and provide for his or their compensation; the said officers shall hold their offices for one year, shall report all violations of any ordinance regulating the erection of buildings, to the city council, as soon as can be done, and shall have authority, at all reasonable times, to enter any building in progress of construction or erection, for the purpose of inspecting the same.

City council to have management of cemetery.

7. *And be it enacted*, That the entire control and management of the cemetery formerly managed by the township of Camden, situate between the Haddonfield and Mount Ephraim roads, near the junction thereof, and adjoining the Friend's burying ground in Newton, be and the same is hereby given to the city council of said city of Camden, and said city council is hereby authorized and required to make such ordinances and appoint such officers as may be necessary for the proper management of said cemetery, and all matters thereunto appertaining.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXI.

A further supplement to the act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six.

Judges may grant rule to show cause, &c., at chambers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any judge of the supreme or circuit courts, in which any judgment by default has been or shall hereafter be entered, on satisfactory evidence being produced to him, at chambers, that such judgment was improvidently or fraudulently entered, or on affidavit of surprise, and that the defendant verily believes he has a good defence, upon four days' notice to the plaintiff or plaintiffs, or to his or their attorney, to grant a rule to show cause, at the next stated term of said court why said judgment should not be opened and set aside, and the defendant be let in to defend, and also to stay execution until the further order of said court.

May discharge persons illegally arrested

2. *And be it enacted*, That it shall be lawful for any judge of said courts, at chambers, upon four days' notice to the plaintiff or plaintiffs, or to his or their attorney, upon motion to examine and determine upon the legality of orders made for bail, and to discharge the parties illegally arrested in civil actions, and also to make order for the payment of money deposited in court in any cause therein depending, in case all the parties interested in said deposited funds shall consent in writing, by themselves or their respective attorneys, to such order.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXII.

A further supplement to the act entitled "An act to incorporate the Jersey City Gas Light Company."

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of said company shall have power to increase the capital stock thereof to the amount of two hundred thousand dollars.

Approved March 10, 1853.

CHAPTER CLXXIII.

A further supplement to the act entitled "An act concerning wills."

Construction of part of former act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the third section of the act entitled "A supplement to the act entitled 'An act concerning wills,'" approved March twelfth, eighteen hundred and fifty-one, shall be construed to apply to the wills of all persons dying after the approval of the act bearing the same title, approved March seventh, eighteen hundred and fifty.

Approved March 10, 1853.

CHAPTER CLXXIV.

An additional supplement to the act entitled "An act to incorporate the city of Trenton," passed March twenty-seventh, eighteen hundred and thirty-seven.

Boundaries of fifth ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Trenton, beginning at a point in the centre of Warren street, and opposite the centre of Hanover street; thence running easterly along the centre of Hanover street, and in a direct line therewith until it strikes the Delaware and Raritan canal; thence up said canal to the centre of Perry street; thence easterly along the centre of Perry street, and in a direct line therewith until it strikes the Assanpink creek; thence up the said creek to the line of the township of Lawrence; thence along the said line to the branch turnpike road; thence along said turnpike road southerly to Warren street; and thence down the centre of said street to the place of beginning, shall be and the same is hereby erected into and constituted a separate ward, to be called the fifth ward of the said city.

Ward officers.

2. *And be it enacted*, That at the next annual charter election of the city of Trenton, there shall be elected for the first ward and for the fifth ward, each, two members of the common council, one of whom shall serve for the period of one year, and one for the term of two years, and that there shall not be elected any other members of the common council for any of the wards, except it be to fill a vacancy, until the annual election in the spring of eighteen hundred and fifty-four, when, and annually thereafter, at the city election, each ward shall elect two members, who shall hold their offices for the term of two years; *provided*, that each of the present members of the common council shall hold his office according to the term for which he was elected, anything to the contrary notwithstanding.

Proviso.

Annual election of officers.

3. *And be it enacted*, That the same number of officers now required by law to be elected in the several wards of said

city, shall be elected, annually, in the ward constituted by this act.

4. *And be it enacted*, That all parts of the act entitled "An act to incorporate the city of Trenton," and all supplements thereto as may conflict with this act and the act passed March eighteenth, eighteen hundred and fifty-two, be and the same are hereby repealed. Part of former act repealed.

5. *And be it enacted*, That the first election for said ward shall be held at the house now occupied by Charles C. Gill, called the Madison House hotel; and the voters who attend at the house appointed by law for the other wards, shall choose three judges and a clerk at the first election, who shall be sworn or affirmed, faithfully to execute their offices, by a justice of the peace or a city magistrate; said officers to hold said election and make returns thereof in the same manner as is required by law of the other ward election officers. First election.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXV.

AN ACT to incorporate "Saint Mary's Orphan Asylum," in the city of Newark.

WHEREAS, an association has been formed in the city of Newark, and assumed the name of "Saint Mary's Orphan Asylum," the object of which is the support and moral and religious instruction of destitute orphan children, and training them to habits of industry; and whereas, the objects of the said association will be promoted by an act of incorporation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Rev. Dominich Senez, Nicho- Names of corporators.

las Moore, John H. Keenan, Michael Finnegan, Bernard Leddy and Daniel Glinden, and their associates, are hereby constituted a body politic and corporate, in fact and in name, by the name of "Saint Mary's Orphan Asylum," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make a common seal and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements, or hereditaments, in fee simple or otherwise, or any goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of, for the purposes of the said corporation; *provided always*, that the said property shall be used for the purposes for which this corporation is formed.

Proviso.

Election of trustees.

2. *And be it enacted*, That on the first Monday of January next, and annually thereafter there shall be an election of five trustees, who with the pastor for the time being, of Saint Patrick's church in the city of Newark, (who shall always be a director, and ex-officio president of the board) shall constitute a board of directors, who shall hold their offices for one year and until others are elected in their stead, which elections shall be held under the directions of the directors for the time being, at such place and on such notice as they shall think expedient; and in case any vacancy shall happen in the said board, by death, removal, resignation or otherwise, such vacancy may be filled by the said board, until the next election; *provided*, no person shall vote at any such election, other than the regular members of the said corporation, who shall have paid at least one dollar during the year next preceding such election, for the use of the said corporation, or shall have paid twenty-five dollars at one time, which shall constitute a life member, and a majority of such members voting at any such election shall be required for the election of such directors, and the persons named in the first section of this act shall constitute the first directors of the said corporation.

Proviso.

Object of incorporation.

3. *And be it enacted*, That the object of the said corporation shall be the support and instruction of destitute orphan children

to be selected by said corporation, under such regulations as the said directors shall ordain, and to provide a suitable asylum for such children, to be located in the city of Newark, and for the purpose of better educating said children, they shall be trained to habits of industry, and have the benefit of moral and religious instruction.

Directors may have children bound over to them.

4. *And be it enacted*, That it shall be lawful for the said directors to receive from the overseers of the poor, or other persons having lawful power in the premises, such orphan children as it may be desired to place under their care, and to have the same bound to them, in the same manner, and subject to the same laws and regulations, as such children may be bound to other parties, and the said directors, when the children under their care arrive at the proper age, and their interests require it, shall have the power to bind out said children, as they would have under the laws of the state, if they were their legal guardians, such binding to the said association, and binding out by them, to be subject to all the laws and regulations of this state for the protection and benefit of said children.

Directors to make by-laws.

5. *And be it enacted*, That a majority of the directors shall constitute a board for the transaction of business, and shall have power to make and prescribe such by-laws and regulations as to them shall seem needful and proper for the management and direction of the said corporation; *provided*, such by-laws and regulations shall not be repugnant to this act or the laws of this state or the United States.

Proviso

Officers of corporation.

6. *And be it enacted*, That the pastor for the time being of Saint Patrick's church, in the city of Newark, shall be the president of said board, and the said board shall, as soon as conveniently may be after the passage of this act, elect from their own number, one person who shall act as secretary, and one person who shall act as treasurer, and may appoint such other persons as to them shall seem meet, properly to conduct the business and affairs of the corporation, and the said officers shall hold their office during the pleasure of the directors; *provided*, that the treasurer shall give bond in such sum and with such security as the by-laws shall direct, for the faithful performance of his duties.

Proviso.

Property not subject to tax.

7. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes contemplated by this act, shall not be subject to the imposition of any tax.

Act may be repealed.

8. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter, modify, or repeal this act.

Approved March 10, 1853.

CHAPTER CLXXVI.

AN ACT for the relief of Peter Naylor, of the county of Burlington.

Treasurer to pay sixty dollars per annum to Peter Naylor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, and he is hereby authorized and required to pay to Peter Naylor, of the county of Burlington, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of sixty dollars per annum, to be paid half yearly, the first payment to be made on the passage of this act; and the receipt of the said Peter Naylor, or his order, shall be a sufficient voucher to the treasurer for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXVII.

AN ACT to incorporate the Bridgeton Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John T. Nixon, Horatio I. Mulford, Samuel Harris, David Potter, Joseph C. Potts, Joseph H. Blackfan, and Gardner P. Lloyd, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate, in fact, by the name of "The Bridgeton Gas Light Company;" and, by the said name, the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal, or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in Bridgeton, and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become due to them in the regular business of said corporation; *provided*, that the real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Names of corporators.

General powers.

Proviso.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas-pipes, and to erect gas-posts, burners and reflectors in the streets, alleys, lanes, avenues, or public grounds of Bridgeton, and to do all things necessary to light the same, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded, by the laying of the said pipes or the erection of the said posts; and the streets, side and cross

Company authorized to lay down pipes.

walks, public grounds, lanes, and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes, or the erection of the said posts.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section of this act, are hereby appointed commissioners for receiving subscriptions for the sum of twenty-five thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in Bridgeton, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock, from said commissioners; and the amount so received by the said commissioners at the time of subscription, shall, by them or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, if they deem an increase of capital necessary, for the purposes of the company, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of fifty thousand dollars; and are also authorized to call on all subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid.

4. *And be it enacted*, That the management of the concerns of the said company, shall be vested in five directors, to be selected from the stockholders; and the said directors shall choose, by plurality of votes, a president from among themselves; and as soon as conveniently may be, after twenty-five thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and, at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Thursday in July thereafter; and the said directors and president shall hold their offices from the second Thursday in July in every year, for one year, and shall be elected on the second Thursday in July, in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in Bridgeton: and any vacancy in said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name, or names, at least fourteen days before the time of voting. Election of directors.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held at any other time in manner provided by law in said cases in such manner as is directed by the by-laws, at any time within one year. Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business. Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders. Stock transferable.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine, or structure, whatsoever, or anything appertaining to the works of said cor- Penalty for injuring works.

poration, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of the state having cognizance of the same.

Proviso

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times opened for the inspection of stockholders.

Restrictions and liabilities.

10. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act, entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 10, 1853.

CHAPTER CLXXVIII.

AN ACT to authorize so much of the records in the office of the clerk of the county of Bergen, as relate to the county of Hudson, to be transcribed and certified.

Records of deeds in Bergen county to be transcribed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Hudson to have all such deeds, partitions and conveyances, now on record in the office of the clerk of the county of Bergen, as relate to or affect

lands situate in the county of Hudson, together with the acknowledgments or proofs of execution thereof, and the entry of the time when the same was brought or delivered to be recorded, transcribed, by the clerk of the county of Bergen, in a good fair hand, in suitable books to be provided by them for that purpose; which books shall each be certified by the clerk of said county of Bergen, under his hand and seal, to contain true and complete copies from the records in his office of the deeds and partitions therein transcribed; and the last of said books shall contain a certificate of said clerk, under his hand and seal, that the said books contain transcripts of all deeds, and partitions in the records of his county relating to or affecting lands in the county of Hudson.

Records of mortgages in Bergen county to be transcribed.

2. *And be it enacted*, That it shall be lawful for the said board of chosen freeholders of the county of Hudson to cause the registry of all mortgages registered in the office of the clerk of the county of Bergen, before April fourteenth, eighteen hundred and forty, which are uncancelled of record, and that relate to or affect lands in the county of Hudson, to be transcribed by the clerk of Bergen county, at length, with the entry of the time the same were lodged, to be registered, in suitable books to be provided by them for that purpose, each of which books shall be certified by the clerk of the said county of Bergen to be true copies of the registry of said mortgages so transcribed; and the last of said books shall contain a certificate of said clerk, that said books contain transcripts of the registry of all uncancelled mortgages on the records of his county relating to or affecting lands in the county of Hudson; and the cancellation of any mortgage so transcribed may be made and entered in such books by the clerk of the county of Hudson as if it had been originally registered in his office.

Dockets of unsatisfied judgments to be made.

3. *And be it enacted*, That it shall be lawful for the said board of chosen freeholders of the county of Hudson to cause a docket to be made, by the clerk of the county of Bergen, of the judgments unsatisfied entered of record in the office of the clerks of the courts of common pleas and of the circuit court, respectively, from the first day of January, eighteen hundred and thirty-three, until the fourteenth day of April, eighteen hundred and forty, and all judgments entered in said courts

since the first last mentioned day, on suits actually pending on the thirteenth day of April, eighteen hundred and forty; which docket shall contain the names of the plaintiff or plaintiffs and defendant or defendants in such judgment, the form of action, the amount recovered, and the date when the same was signed.

Transcripts to be placed in custody of clerk of the county of Hudson.

4. *And be it enacted*, That said transcripts of deeds and mortgages and said docket shall, when completed, be placed in the office and custody of the clerk of the county of Hudson, and, when so deposited, all persons shall be entitled, at proper times, to have access to the same, and shall be entitled to copies thereof, upon paying for searches and copies such fees as are allowed by law for the same services in searching and copying the records of deeds and mortgages and judgments recorded in said clerk's office; and said books of deeds, and certified copies thereof, under the hand and seal of the clerk of the county of Hudson, shall be evidence in the same manner as the original books in the county of Bergen, or copies certified by such clerk of said county of Bergen now are.

Book and page to be noted in transcript.

5. *And be it enacted*, That said transcript of deeds and mortgages and said docket of judgment shall contain, in the margin opposite to such deed, mortgage or judgment, the designation of the book in said clerk's office of the county of Bergen, and of the page thereof, from which it shall be taken.

Indexes to be made.

6. *And be it enacted*, That the clerk of the county of Hudson shall, at the expense of the said county, cause proper indexes to be made of such books of deeds and mortgages and docket of judgments.

Compensation to clerks.

7. *And be it enacted*, That the clerk of the county of Bergen shall, upon being required by the board of chosen freeholders of the county of Hudson, cause said transcripts and docket to be made, and sign and seal such certificate within twelve months after proper books shall be provided for that purpose by them, and shall be entitled to receive for such transcripts, from the said board of chosen freeholders of the county of Hudson the fees per folio allowed by law for recording deeds left to be recorded in his office, and for docketing each judgment twelve cents, and for all the searches and certificates necessary for such purposes, two hundred dollars.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXIX.

AN ACT to authorize the trustees of the Millville School Association to convey their school house and lot of land to the trustees of school district number two, in the township of Springfield, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Millville School Association be, and they are hereby authorized to convey by deed, their school house and lot of land to the trustees of school district number two, in the township of Springfield, in the county of Essex, which deed shall vest in the said the trustees of school district number two, and their successors in office, in said township, all the right, title and interest in said premises, of the trustees of the Millville School Association. Trustees authorized to convey school house.

Approved March 10, 1853.

New Jersey State Library

CHAPTER CLXXX.

AN ACT to perfect the junction of the Morris and Essex, and the New Jersey railroads.

Junction of roads authorized:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful to perfect the junction of the Morris and Essex railroad and the New Jersey railroad, in such manner as to allow the business operations of the two roads to be carried on with the continuous use of steam power; and for this purpose, the respective companies owning the aforesaid railroads are hereby authorized to locate and construct the necessary tracks and fixtures, depots, car houses, and other buildings and improvements, in accordance with the powers, and subject to all the provisions of their several acts of incorporation.

Approved March 10, 1853.

CHAPTER CLXXXI.

A supplement to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of the act to which this is a supplement, as requires the president of said company to be a resident and citizen of this state, be and the same is hereby repealed.

Approved March 10, 1853.

CHAPTER CLXXXII.

AN ACT giving the assent of the state of New Jersey to the act of the legislature of the commonwealth of Pennsylvania, entitled "An act to incorporate the Point Pleasant Delaware Bridge Company," approved the ninth day of February, eighteen hundred and fifty-three.

Assent of state given to act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assent of the state be, and the same is hereby given to the provisions mentioned and contained in an act of the legislature of the state of Pennsylvania, approved the ninth day of February, A. D. eighteen hundred and fifty-three, entitled "An act to incorporate the Point Pleasant Delaware Bridge Company;" and the said act of the legislature of the state of Pennsylvania is hereby adopted, ratified, and confirmed by this state; and the said act of the state of Pennsylvania shall be annexed to this act, and published in the same manner as the laws usually are; and the governor shall likewise cause an exemplified copy thereof to be deposited in the office of the secretary of state of this state, and transmit an attested copy of this act to the governor of the state of Pennsylvania.

Commissioners on the part of Pennsylvania.

2. *And be it enacted*, That the commissioners on the part of New Jersey, provided for in the second section of the act, shall be John Kugler, Samuel Hartpence, Hiram Bennet, Samuel H. Britton, Thomas Lequear, Reuben Kugler, Nathan Holt, Jonathan Rose, George Wannamaker, Thomas Skillman, Thomas Robinson, John Emmons, Joseph Hann, Amos Merseilles, William D. Shaw, Samuel Neice, Hugh Capner, Charles Tomlinson, Samuel Stewart, Mahlon Emmons, Samuel Barcroft, Cyrenius Slack, William Hann, Isaac R. Shrope, John V. Thatcher, George A. Arnwine and John Sine.

3. *And be it enacted*, That this act shall take effect immediately.

COMMONWEALTH OF PENNSYLVANIA.

AN ACT to incorporate the Point Pleasant Delaware Bridge Company.

Preamble. WHEREAS, it is represented to the legislature, by the petition of a number of the inhabitants of the county of Bucks, that the erection of a bridge over the Delaware river, at Point Pleasant, would be a great convenience and accommodation to the public; therefore,

Amount of capital stock. Section 1. BE IT ENACTED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the capital stock of the Point Pleasant Delaware Bridge Company shall amount to twenty thousand dollars, with the privilege of increasing the same to twenty-three thousand dollars, and the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money, for the share or shares by them respectively subscribed, at such periods and such proportions as the president and directors of the said company may determine.

Commissioners on the part of New Jersey Section 2. That Henry S. Stover, Joseph Cowell, Joseph Hough, Charles E. Dubois, John S. Brown, C. E. Wright, Henry Chapman, George H. Michener, S. L. Roberts, J. W. Cowell, S. J. Paxson, Ralph Stover, S. A. Smith, C. Myers, B. Harwick, Josiah Rich, J. N. Solliday, C. H. Mann, A. Swartz, Elias Morris, George Hager, B. Hough, Samuel Banger, John L. Radcliff, Joseph Carr, William Rich, and Tobias Weisel, be and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the state of New Jersey, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof in two newspapers printed in the county of Bucks, in this state, and in two newspapers printed in the county of Hunterdon, in the state of New Jersey, for twenty days, at least, of the time and places when and where the said subscription shall be received; and at the time of subscribing for

the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall, from time to time, direct and give public notice of; and upon failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such stockholders, in proportion to the amount or number of shares by them subscribed as aforesaid.

Payment of instalments.

Proviso.

Section 3. That when three hundred shares are subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of the Point Pleasant Delaware Bridge Company, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, such lands as may be necessary in the erection of said bridge and suitable toll houses, and of sueing and being sued.

Style of incorporation.

Section 4. That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in two or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and the county of Hunterdon, in the state of New Jersey, of a time and place, by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes, to be delivered in person or by proxy, one president, six directors, one secretary, and one treasurer, and such

Election of officers.

other officers as they shall think necessary to conduct the business of the said company until the next annual election, and shall make such by-laws and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company; *provided*, that no person shall have more than twenty votes at an election, and that each person shall be entitled to one vote for every share by him held, not exceeding ten, and one vote for every two shares above ten and not exceeding twenty, and one vote for every five shares above twenty, until the number of votes amounts to twenty.

Proviso.

Annual elections.

Section 5. That the said stockholders shall meet on the first Monday in January, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of electing officers for the ensuing year.

Certificate of stock to be issued.

Section 6. That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due and may grow due thereon; and the assignee holding any certificate, having first caused the assignment and transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall, for every share of stock so held by him, or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, to vote as aforesaid at the meetings thereof.

Books of minutes to be kept

Section 7. That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business at such meetings; five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book by the secretary, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on said bridge and complete the same, and fix their salaries and other wages; to determine the time, manner and pro-

portions, in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all money that may be required, the same to be signed by the president and attested by the secretary of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Proceedings in case company and owners cannot agree.

Section 8 That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the president and directors to apply to one of the judges of the supreme court of this state, not being a stocholder, or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed, before any justice of the peace, faithfully to perform the duties enjoined upon them by this act, shall proceed to view and examine said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting said bridge, and making and establishing all necessary works and roads to and from the same; and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals or under the hands and seals of any two of them, and shall return the same together with a map describing the metes and bounds of such lands and tenements to the supreme court next after they shall have agreed upon and signed the same, and the said report, having been confirmed by the supreme court, shall be filed in the clerk's office of the said court with the map aforesaid; and the said president and directors,

having paid the said owners, respectively, the several sums awarded to be paid them, in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before, the said president and directors to enter upon the said lands and tenements and to commence and to complete the erection of the said bridge.

Company may enter upon lands.

Section 9. That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built, and examine the ground, for the purpose of obtaining stone, gravel or sand for the building of the said bridge; and shall and may be lawful for the said president, directors, overseers, superintendents, or any other person, in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burthen or draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damage that may be done, which damage shall be ascertained by the parties, if they can agree, or if they cannot agree, then by the appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owner or president and directors, superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said president and directors, or other persons by them employed, as aforesaid, after tender of the appraised value to the owner, may enter and dig and carry away any stone, gravel, sand, or earth, most conveniently situated, for making and repairing said bridge.

Annual statement to be made.

Section 10. That the president and directors of the said company shall keep fair and just accounts of all moneys received by

them from the said commissioners, and from the stockholders, and of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work, and shall submit such accounts to each annual meeting of the stockholders.

Rates of toll.

Section 11. That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others, not to exceed the following rates: for every coach, landau, chariot, phaeton, or other pleasurable carriage, with four wheels, drawn by four horses, the sum of sixty cents; for the same kind of carriage, with two horses, the sum of forty cents; for every wagon, with four horses, the sum of fifty cents; for every carriage of the same description, drawn by two horses, forty cents; for every chaise, riding chair, sulky, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty cents; for the same, with one horse, the sum of fifteen cents; for single horse and rider, the sum of ten cents; for every led or driven horse or mule, the sum of five cents; for every foot passenger, the sum of two cents; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of one cent; *provided*, all persons going to and returning from funerals, persons going to and returning from meeting or church on the sabbath, children going to and returning from school, all persons going to or returning from military trainings or parade, shall pass free of toll; *provided also*, that fixing the toll of all carriages drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall so erect the said bridge as in nowise to injure, stop, or interrupt the navigation of the said river, or prevent boats or craft from passing, or persons from fording the said river.

Proviso.

Proviso.

Penalty for injuring works.

Section 12. If any person or persons shall wilfully cut or destroy, break or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they, so offending shall

forfeit and pay for every such offence, over and above the damage done to the said bridge, the sum of thirty dollars, to be recovered before any justice of the peace in the county of Bucks, in the state of Pennsylvania, or the county of Hunterdon, in the state of New Jersey.

Penalty for taking illegal toll.

Section 13. If the said company, their successors, and assigns and whosoever shall own and possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge than what are hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good order and repair, he, she or they, so offending, for every such offence forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof to the use of the poor of the township of Kingwood, Hunterdon county, in the state of New Jersey, and the other third to the use of the person who may sue for the same; *provided always*, that no suit or action shall be brought unless within sixty days after such offence shall be committed.

Proviso.

Semi-annual dividends.

Section 14. That the said president and directors and company shall also keep a just and true account of all and every the moneys received by their respective collector or collectors of toll, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom, all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay and for the rebuilding and repairing the said bridge; and shall on every first Monday in January and July, in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and the time and place where and when the same shall be paid, and cause the same to be paid accordingly.

When act to take effect.

Section 15. This act shall not take effect or go into operation until the legislature of the state of New Jersey shall pass a law, appointing commissioners on their part, vesting like power and authority in the subscribers to the capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privi-

leges, franchises and emoluments, as to the said company are hereby given.

Company not to engage in banking.

Section 16. That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges, or to issue any bank note or notes, in the nature of bank notes; and the legislature reserves the right of altering, amending or annuling the charter, whenever they think proper.

Payment of instalments.

Section 17. That the president and directors may and shall have power and authority, instead of forfeiting shares for non-pay-ment of instalments, of enforcing the payment of all instalments due, as other debts of similar amounts are recovered, as to them may be deemed best.

PENNSYLVANIA, ss.

I do hereby certify that the foregoing and annexed is a true and correct copy of an act of the General Assembly of this Commonwealth, [L. S.] entitled "An act to incorporate the Point Pleasant Delaware Bridge Company," approved the ninth day of February, A. D. eighteen hundred and fifty-three, and which is now on file in this office.

In testimony whereof, I have hereunto set my hand, and caused the seal of the secretary's office to be affixed, this sixteenth day of February, one thousand eight hundred and fifty-three.

F. W. HUGHES,
Secretary of the Commonwealth.

Approved March 10, 1853.

CHAPTER CLXXXIII.

A supplement to an act entitled "An act to provide for the incorporation of insurance companies," approved March tenth, eighteen hundred and fifty-two.

Preamble. WHEREAS, by the laws of some of the United States, it is provided that insurance companies, incorporated under the laws of this state, shall not transact business in said states, except on a deposit of securities in said laws named; therefore,

Treasurer authorized to receive deposits. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to receive from any insurance company, incorporated under the laws of this state, a deposit of such securities as shall be necessary to enable such company to transact business in any of the United States, under the laws of said states.

Depositors to receive dividends. 2. *And be it enacted*, That the said securities shall be held by the treasurer so long as such company shall desire to transact business in the states requiring such deposit; but the company making the deposit shall be at liberty to draw the dividends or receive the interest on such securities; and whenever any such company shall desire to discontinue its business in said states, and such deposit shall no longer be required by the laws of said states, the treasurer shall return the said securities to the company depositing the same.

Compensation of treasurer. 3. *And be it enacted*, That the treasurer, for performing the duties required by this act, shall receive such compensation as is provided for performing like duties by the act to which this is a supplement.

Provisions of former act not to be affected. 4. *And be it enacted*, That nothing contained in this act shall be construed to repeal, or in any wise alter or modify the provisions of the eighth and ninth sections of the act to which this is a supplement, and that this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXXIV.

A supplement to the act entitled "An act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, shall be held to extend to persons who associate themselves together to erect buildings and provide steam or other power, for the purpose of letting or renting such buildings and power to other persons, to carry on any kind of manufacturing business authorized by said act. Provisions of former act extended.

2. *And be it enacted*, That any company organized under the provisions of the act to which this is a supplement, for the manufacture of lumber, or of lime and cement, may carry on the said manufacture, in part or in whole, without this state; *provided*, that a majority of the persons associated in said company shall be citizens and residents of this state. Certain manufactures may be carried on without the state. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1853.

CHAPTER CLXXXV.

AN ACT to establish uniform fees of clerks and judges in naturalization cases, and to provide for the taxation of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several clerks of the courts of this state, which by law have jurisdiction in cases of naturali- Fees in naturalization cases.

zation, and the several judges of said courts performing service in such cases, shall, after the passage of this act be entitled to demand and receive in naturalization cases, the following fees, and no more; for all the services of any clerk upon the first application of an alien, including the oath or affirmation of such alien of his intention to become a citizen of the United States, the record and certificate thereof, delivered to such alien, the sum of twenty-five cents; for all services of any such clerk upon the completion of the proceedings necessary for any alien to become a citizen of the United States, including the record thereof, and a certified copy to be delivered to any person demanding the same, the sum of fifty cents; for all the services of any judge of said courts, required to be performed by him in such naturalization cases, including the oath and examination of the applicant and witnesses, and order that the applicant be admitted to citizenship, the sum of fifty cents.

Fees may be taxed.

2. *And be it enacted*, That all clerks and judges in this state, in such cases claiming any fees by virtue of their respective offices, shall, upon being required in writing by the party liable to pay the same, his agent or attorney, and on payment of the expenses thereof, have their fees taxed by some associate judge of such court, and that no clerk or judge shall collect any fees after having been required as aforesaid to have the same taxed, without such taxation having been made, the fees of such taxation shall be fifty cents.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1853.

CHAPTER CLXXXVI.

AN ACT relative to fishing in White Lake, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons shall be allowed to catch, kill or otherwise destroy any fish in the White Lake, in the county of Warren, in this state, between the first day of November, and the first day of May next, thereafter, in each and every year, under a penalty of ten dollars for each and every offence, to be sued for in an action of debt, in any court of competent jurisdiction, and be recovered with costs of suit by any person who will sue for the same, the one-half thereof for his own use, and the other half for the use of the poor of the township in which such offence shall be committed. Penalty for taking fish within certain times.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1853.

CHAPTER CLXXXVII.

AN ACT to authorize the town committee of the township of Ocean, in the county of Monmouth, to put out the road districts in said township, to be worked and repaired, to the lowest bidder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the town committee of the township of Ocean, in the county of Monmouth, shall have the superintendence and con- Repairs of roads to be given out by public auction.

trol of the working and repairing of all roads, in the several road districts of said township, shall put out the said road districts, to be worked and repaired, by public auction to the lowest bidder, at the beginning of each year, for the space of one year, within one month from the day of holding the town meeting in said township, giving fifteen days' notice of such auction, by written advertisements, put up by said committee in one public place in each road district, in said township of Ocean.

Terms of contract to be read.

2. *And be it enacted*, That on the day appointed for said auction, the said committee shall, before opening said auction, cause to be read the conditions or terms of contract, upon which the said road districts shall be worked, specifying the manner in which said roads shall be worked and repaired.

Town committee to inspect work.

3. *And be it enacted*, That the said town committee of the said township for the time being, shall be the inspectors of the works and repairs, so as aforesaid done upon the said several road districts, in said township of Ocean, and shall pay the contractors therefor, in quarterly payments, upon the said committee inspecting and approving said work and repairs, and shall be liable to said contractors, for the amount specified in the contract for the said work.

Lumber for bridges and repairs.

4. *And be it enacted*, That all lumber found for bridges, and repairs upon the roads in the several road district of said township of Ocean, shall be charged for separate and apart from all said contracts for work on said roads, and shall be paid for to the contractors provided the same, after inspection and approval of the said town committee.

No overseers of roads to be elected.

5. *And be it enacted*, That from and after the passage of this act, no overseers of roads, shall be elected in the said township of Ocean.

Part of former act repealed.

6. *And be it enacted*, That all former acts and parts of acts of the legislature of this state, which conflict with the provisions of this act, so far as they are applicable to the said township of Ocean, in the county of Monmouth, be and the same are hereby repealed.

Working of new roads.

7. *And be it enacted*, That all new roads which may be laid out in said township of Ocean, after the putting out of the several road districts by the town committee, as hereinbefore provided for, shall be worked and provided for by the town

committee, in such manner as the said committee shall deem proper, until the next putting out of said districts, at public auction.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1853.

CHAPTER CLXXXVIII.

AN ACT to incorporate a company to erect a water power near the village of Scotch Plains.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen Vanvalkenberg, John C. Ely, Orman Ogle, Maxfield Drake, Randolph Drake, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, their successors and assigns, shall be and they are hereby incorporated by the name of the "Green Brook Falls Mills Water Power Company," for the purpose and with the privileges and immunities hereinafter described, defined and granted, and by that name shall be a body politic and corporate in fact and in law; and the said company shall have power and authority at any time after the passage of this act, to purchase, receive in donation, possess and enjoy, retain, demise, grant, lease, alien and sell all such lands, mills, manufactories, erections, hereditaments and water privileges, rights, goods, chattels, and effects whatever, under the restriction and limitations hereinafter mentioned; and that the said company shall have perpetual succession, and power to make and use a common seal; to adopt, establish and carry into execution such laws, ordinances and regulations as shall by its managers be judged necessary or convenient for the government and management of the said company, and the same to change, alter or repeal; *provided*, that the same be not con- Proviso.

Names of corporators.

General powers.

trary to the constitution or laws of the United States or the state of New Jersey.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall consist of two thousand dollars, to be divided into shares of twenty dollars each, and that the company shall have power to increase the same to such amount as may be found, from time to time convenient and necessary, for the completion of such water power, and other works contemplated by this act; *provided*, the same do not exceed twenty-five thousand dollars.

Proviso.

Commissioners to receive subscription.

3. *And be it enacted*, That the subscription to the capital stock of the company shall be opened on the first Monday in May next ensuing, under the direction of Andrew M. Webster, Elias Kirkpatrick and Jonathan Cory, in the village of Scotch Plains, giving at least ten days' notice of the time and place, in one or more of the newspapers printed in the county of Essex; and that each person so subscribing shall thereupon pay to the said commissioners the sum of two dollars on each share.

Managers to conduct business.

4. *And be it enacted*, That the management of the said business and concerns of the said company shall be vested in five managers, three of whom shall be a quorum to do business.

Managers to appoint officers.

5. *And be it enacted*, That in all the elections or other questions concerning the management and business of said company, each share shall be entitled to one vote, and that the managers shall, at the first meeting, appoint one of their number to be president, and shall also, in the same manner, appoint a treasurer, and such other officers and agents as they may see proper, for conducting the affairs of the company, who shall severally hold their offices during the pleasure of said managers; and the said managers may demand and require of said officers, or any of them, security for the faithful discharge of their respective duties, in such manner and form as they may see proper.

Annual election of managers.

6. *And be it enacted*, That Stephen Vanvalkenberg, John C. Ely, Orman Ogle, Maxfield Drake, and Randolph Drake, shall be the first managers, and shall hold their offices until the first Monday of June next; on that day, and annually thereafter, the managers of the said company shall be chosen at a meeting of the stockholders, to be holden at such time and

place within the township of Westfield as the managers shall appoint, giving at least twenty days' notice thereof, by advertising the same in one or more of the newspapers of the county of Essex; and if an election of managers should not be made on the day when pursuant to this act it ought to be made, the corporation shall not for that cause be considered as dissolved, but it shall and may be lawful to hold such election at any other time, in the manner provided by law in such cases, giving public notice thereof in manner aforesaid, and until such election be made, the managers for the time being shall continue in office; but such election shall be held within thirty days after the time, when by law it ought to have been made; and in case of vacancy in the office of managers by death, resignation, removal or otherwise, the other managers may supply such vacancies, from time to time, for the unexpired term of the manager or managers whose place is so vacated. Vacancies.

7. *And be it enacted*, That it shall be lawful for the said company to erect a dam across the west branch of Green Brook, on or near the dam that is now erected west of the paper mill, between the junction of the east and west branches of Green Brook and the bridge that crosses the aforesaid west branch above the paper mill; *provided*, that nothing contained in this act shall be construed to authorize the erection of said dam, to exceed the present dam in heighth more than four and a half feet, nor to authorize the flowing of any lands east of the New Providence road, by the erection of said dam, nor to flow any lands now owned by John L. Spencer. Company may erect dam. Proviso.

8. *And be it enacted*, That it shall and may be lawful for the said company to cut a main race-way from the Somerset Pond to the Essex Pond on or near the present race-way, with such locks, weirs, gates, and other works, from the said main race-way or dam to the said Green Brook, as the said company shall deem expedient, for the purpose of creating and using the said water power for mills and manufactories. Main raceway authorized.

9. *And be it enacted*, That it shall and may be lawful for the said company, from time to time, to construct, make, erect and form, all such embankments, reservoirs, aqueducts, culverts, locks, weirs, gates, ways, bridges and other works, as Company authorized to enter upon all lands.

the said managers may deem convenient and necessary for the uses and purposes aforesaid, and to repair and improve the same for the better carrying on and management thereof; and that it shall and may be lawful for the said company, by their managers, president, officers and agents, engineers, superintendents or contractors, or any other person or persons by them employed, from time to time, and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purpose contemplated by this act, doing no unnecessary damage; and when a location of the said dam, and the lands to be flowed by the erection of said dam, and the route or routes and location of the main race-way, branches and improvements, shall be determined by the managers, or a majority of them, from time to time, and a survey thereof, together with the lands necessary for the same, shall, by an engineer or other person to be employed by the said company, be completed and deposited in the office of the secretary of state of New Jersey, then it shall be lawful for the said company, their agents, engineers, contractors, superintendents, or other person or persons employed by them, at any time to enter upon, take possession of, and use all and singular such lands and premises, subject to such compensation to be made therefor as is hereinafter directed.

Description of dam and race-way to be filed.

10. *And be it enacted*, That for the purpose of determining the most eligible site for the location of said dam, and the general route of the said main race-way, three disinterested, competent, practical engineers or surveyors, shall be appointed by the managers to agree upon the most eligible place for locating the said dam, and the most eligible route for the said main race-way; and the said managers shall thereupon determine on the proper point for locating said dam, and for the route of said main race-way, and having agreed thereon, they or a majority of them shall make and sign a description of the same, and cause it to be filed in the office of the secretary of state, which being done, and not before, the said company may proceed to obtain the lands necessary for the construction of said dam, and to be flowed by the erection of said dam and race-way aforesaid, together with all such other lands and premises as may be convenient and necessary for the uses and purposes aforesaid; and the compensation to said commissioners, and

all expenses of obtaining such examination and report, shall be paid by said company.

Proceedings in case company and owners cannot agree.

11. *And be it enacted*, That any lands that may be useful for the said dam, or to be flowed by water in consequence of the erection of said dam, or for the main or lateral race-way, or to be used in any way for the said company, shall not be made a free gift by the owner or owners, the said company shall pay to the owner or owners of all such lands such compensation as shall be mutually agreed upon between them; and in case the said company cannot agree with such owner or owners in relation thereto, or if such owner or owners be feme covert, under age, non compos mentis, or reside out of the state, then it shall and may be lawful for the said company and they are hereby required without delay, from time to time, and at all times, to cause a survey or surveys and a map or maps to be made of any of the lands requisite and useful for the purposes aforesaid, and appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and the same survey or map to be exhibited to one of the justices of the supreme court of New Jersey, not being a stockholder or otherwise interested, giving at least ten days' notice in writing to the parties of the time and place of such exhibition, by serving the same on such owner or owners, or any of them, if resident in the state at the time, and if not, by advertising the same in one or more newspapers in this state; and thereupon it shall be the duty of said justice to certify such survey or map under his hand, and cause the same to be filed in the office of the secretary of state, there to remain as a public record, and also at the same time and place, by writing under his hand, to appoint three discreet and disinterested freeholders of the state of New Jersey, as appraisers, who shall, before they enter upon the duties of their appointment, severally take and subscribe an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of the said appraisers, or a majority of them, if required so to do by the owner or owners, or by the company, to make a just and equitable appraisement of the value of the lands, and damages, if any, that each owner may sustain by such appropriation for the uses and purposes aforesaid, the said

appraisers giving ten days' notice in manner aforesaid, of the time and place of meeting to make such appraisement; and the said appraisers, or a majority of them, shall make regular entries of their determination, valuation and appraisement, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take acknowledgments of deeds, and shall cause the same to be filed in the office of the secretary of state, there to remain a public record; and the company shall, before they enter upon, take possession or use the said land and premises, excepting for the survey and location above mentioned, pay or tender the damages so assessed to the person or persons respectively entitled to the same, or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the state of New Jersey, the said company shall pay the same into the court of chancery of this state, to be disposed of under the order of the chancellor, according to their several and respective rights and interest agreeable to law, and immediately thereupon the right, property and interest, belonging to the person or persons so compensated and paid in, and to the premises so appropriated, described, appraised and paid for, shall be vested in the said company, or if default be made in such payment, the owner or owners may sue for and recover of said company the amount of such appraisement, or bring an action of ejectment for the lands at his or her option.

Stock transferable.

12. *And be it enacted*, That the capital stock shall be deemed personal property, and that all shares of the capital stock, at any time owned by any stockholder, shall be transferable on the books of the company in such manner as the by-laws shall ordain, but all debts due or payable to the company, and all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by the consent of the managers.

Officers to take oath.

13. *And be it enacted*, That every manager, president and treasurer, and all such other officers as the said managers may direct, shall, before he or they act as such, take an oath or affirmation for the due and faithful execution of the duties of his or their office.

14. *And be it enacted*, That nothing in this act shall be construed to impair the rights of any person or persons to an action against the said company, their agents, workmen or servants, for any damage done to his, her or their lands, hereditaments and premises by the erection or construction of said dam, race-ways, reservoirs or flowing, and improvements, where such person or persons has not been agreed with by the said company, under the provision of this act. Action may be brought if damages are not paid.

15. *And be it enacted*, That it shall and may be lawful for the said company to dispose of, grant and sell all such portion, lots, sites and privileges acquired by them under this act, and to convey the same or any part thereof by deeds, acknowledged and recorded, or otherwise to demise, lease and let the same, for such term or time, and upon such conditions as they shall from time to time think proper and expedient; and that the said company be authorized to take mortgages or other securities for any sum or sums of money that may be due or unpaid on account of such sale, uses or rents. Company may sell or lease lots.

16. *And be it enacted*, That if the dam and main race-way contemplated by this act shall not be commenced within two years after the passage of this act, or shall not be completed within seven years, this act shall be void. Time of commencement and completion.

17. *And be it enacted*, That nothing in this act contained shall be so construed as to authorize the said company to employ any part of their capital in banking operations. Not to engage in banking.

Approved March 11, 1853.

CHAPTER CLXXXIX.

AN ACT to secure to mechanics and others, payment for their labor and materials in erecting any building.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every building hereafter erected or built within this state, shall be liable for the payment of any Buildings liable for debts contracted for erection.

debt, contracted and owing to any person for labor performed, or materials furnished, for the erection and construction thereof, which debt shall be a lien on such building, and on the land whereon it stands, including the lot or curtilege whereon the same is erected.

Buildings erected by contract liable to contractor.

2. *And be it enacted*, That when any building shall be erected in whole or in part by contract in writing, such building, and the land whereon it stands, shall be liable to the contractor alone, for work done or materials furnished in pursuance of such contract; *provided*, such contract or a duplicate thereof, be filed in the office of the clerk of the county in which such building is situate, before such work done or materials furnished; and no building or land shall be liable for work done by any person, not employed by the owner or his agent, on his account.

Proviso.

Proceedings in case contractors refuse to pay laborers.

3. *And be it enacted*, That whenever any master workman or contractor shall, upon demand, refuse to pay any person who may have furnished materials used in the erection of any such house or other building, or any journeyman or laborer employed by him in the erecting or constructing any building, the wages due to him, it shall be the duty of such journeyman or laborer to give notice in writing to the owner or owners of such building of such refusal, and of the amount due to him or them and so demanded, and the owner or owners of such building, shall thereupon be authorized to retain the amount so due and claimed by any such journeyman or laborer out of the amount owing by him or them to such master workman or contractor, giving him written notice of such notice and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners, on being satisfied of the correctness of such demand, shall pay the same, and the receipt of such journeyman or laborer for the same, shall entitle such owner or owners to an allowance therefor, in the settlement of accounts between him and such master workman or contractor as so much paid on account.

Building erected by tenant subject to lien

4. *And be it enacted*, That if any building be erected by a tenant or other person than the owner of the land, then only the building and the estate of such tenant, or other person so erecting such building, shall be subject to the lien created by this act and the other provisions thereof, unless such building

be erected by the consent of the owner of such lands in writing, which writing may be acknowledged or proved, and recorded as deeds are, and when so acknowledged or proved and recorded, the record thereof and copies of the same duly certified shall be evidence in like manner.

Additions considered buildings.

5. *And be it enacted*, That any addition erected to a former building, and any fixed machinery, or gearing, or other fixtures for manufacturing purposes, shall be considered a building for the purposes of this act; but no building shall be subject to the provisions of this act, for any debt contracted for repairs done thereto or alterations made therein.

What the claim shall designate.

6. *And be it enacted*, That every person intending to claim a lien upon any building or lands by virtue of this act, shall within one year after the labor is performed, or the materials furnished, for which such lien is claimed, file his claim in the office of the clerk of the county where such building is situate, which claim shall contain these matters:

I. A description of the building, and of the lot or curtilege upon which the lien is claimed, and of its situation sufficient to identify the same.

II. The name of the owner or owners of the land or of the estate therein on which the lien is claimed.

III. The name of the person who contracted the debt, or for whom, or at whose request the labor was performed, or the materials furnished for which such lien is claimed, who shall be deemed the builder.

IV. A bill of particulars exhibiting the amount and kind of labor performed, and of materials furnished, and the prices at which, and times when the same was performed and furnished, and giving credit for all payments made thereupon, and deductions that ought to be made therefrom, and exhibiting the balance justly due to such claimant; which statement when the work or materials or both, are furnished by contract, need not state the particulars of such labor or materials, further than by stating generally that certain work therein stated was done by contract at a price mentioned; and such bill of particulars and statements shall be verified by the oath of the claimant, or his agent in said matter, setting forth that the same is for labor done or materials furnished in the erection of the building in

such claim described at the times therein specified, and that the amount as claimed therein is justly due; and when such claim shall not be filed in the manner or within the time aforesaid, or if the bill of particulars shall contain any wilful or fraudulent misstatement of the matters above directed to be inserted therein, the building or lands shall be free from all lien for the matters in such claim.

Clerk to record lien claims.

7. *And be it enacted*, That every county clerk shall, at the expense of the county, provide a suitable well bound book, to be called the lien docket, in which he shall enter, upon the filing of any lien claim; first, the name of the owner of the building and land upon which the same is claimed; second, the name of the builder or person who contracted the debt; third, the description of said buildings and lands; and fourth, the amount claimed, and by whom claimed; and said clerk shall make a proper index of the same, in the name of the owner of the land and building; and such clerk shall be entitled to twelve cents for filing each claim or contract, and at the rate of eight cents per folio for such entry made in the lien docket, and six cents for every search in the office for such lien, claim or contract.

Modes of proceeding to recover claim.

8. *And be it enacted*, That when a claim is filed agreeably to the provisions of this act, upon any lien created thereby, the same may be enforced by suit, in the circuit court of the county where such building is situated, which suit shall be commenced by summons against the builder and the owner of the land and building, in the following or like form:

Summon A. B., builder, and C. D., owner, (or if the owner contracted the debt) A. B., builder and owner, to appear before the circuit court, in and for the county of , at , in said county, on the day of , that the said A. B., (the builder) may answer unto E. F., (claimant) of a plea of (as in other cases of assumpsit, debt, or whatever the proper form of action for the debt may be) for which said E. F. claims a building lien on a certain building and lands of said C. D. (describing the building and lands as in the claim on file).

And said summons shall be directed, tested and made returnable, and may be served and returned in the same manner as other writs of summons; and such summons may be served

upon the defendants, or either of them, in any county of this state, by the sheriff thereof, and for this purpose the same or a duplicate thereof, may be issued to such sheriff; and if any defendant cannot be found in this state, it may be served upon him by affixing a copy thereof upon such building, and also by serving a copy on such defendant personally, or by leaving it at his residence ten days before its return, which shall be deemed actual service, or in case such defendant resides out of this state, by affixing a copy on such building and sending a copy by mail, directed to him at the post office nearest his residence, or in case his residence is not known to the plaintiff, then by affixing a copy to such building, and by inserting it for four weeks, once in each week, in some newspaper of this state, published or circulating in the county where such building is situate, either of which shall be legal service; and when an affidavit shall be made and filed of the facts, authorizing and constituting any such service, not made by a sheriff or officer, the suit may proceed against the party so served as if such summons had been returned served by the sheriff.

Form of declaration.

9. *And be it enacted*, That the declaration in such case shall, after reciting that both owner and builder were summoned and how served, be against the builder, and in the same form as in other cases of assumpsit, covenant, debt, or as the case may be, and shall conclude with an averment that said debt is, by virtue of the provisions of this act, a lien upon such building and lot, describing the same as in said claim; and to said declaration a schedule may be annexed, and the practice, proceedings and pleadings thereon, shall be conducted, and the judgment entered, as in suits in said circuit to recover money due on contract; and both or either of said defendants may, jointly or severally, have any defence or plea to the same, that might be had by the builder to any action on said contract without this act; and in addition thereto, the owner may plead that said house or land are not liable to said debt, and in such case it shall be necessary for the plaintiff, to entitle him to judgment against the house and lands, to prove that the provisions of this act, requisite to constitute such lien, have been complied with; and in case a verdict be rendered or judgment given against the builder only, judgment shall be given for the land

owner, with costs against the plaintiff; and in case judgment be given for the plaintiff, it shall be entered against the builder when he was actually served with the summons generally, and with costs as in other cases, and when only legal service of the summons has been made, judgment against the owner and also against the builder, shall be specially for the debt and costs, to be made of the building and lands in the declaration described; and in case no general judgment is given against the builder, such proceedings or recovery shall be no bar to any suit for the debt, except for the part thereof actually made under such recovery.

Proceedings in judgments.

10. *And be it enacted*, That where judgment is entered generally against the builder, a writ or writs of fieri facias may issue thereon as in other cases; and when judgment shall be against the building and lands, a special writ of fieri facias may issue to make the amount recovered by sale of the building and lands; and when both, a general and special judgment shall be given, both writs may be issued either separately or combined in one writ, and one may be issued after the return of the other for the whole or residue as the case may require; and such judgments may be docketed in the supreme court and execution had thereon as other judgments may be.

Sheriff, &c. to convey lands.

11. *And be it enacted*, That under such special fieri facias the sheriff or other officer shall advertise, sell and convey said building and lot, in the same manner as directed by law in case of lands levied upon for debt; and the deed given by such sheriff or officer, shall convey to the purchaser said building, free from any former encumbrance on the lands, and shall convey the estate in said lands, which said owner had at or any time after the commencement of the building, within one year before the filing such claim in the clerk's office, subject to all prior encumbrances, and free from all encumbrances or estates created by or obtained against such owner afterwards, and from all estates and encumbrances created by deed or mortgage, made by such owner, or any claiming under him, and not recorded or registered in the office of the clerk of the county at the commencement of said building.

Claims to be filed within one year.

12. *And be it enacted*, That no debt shall be a lien by virtue of this act, unless a claim is filed as hereinbefore provided,

within one year from the furnishing the materials or performing the labor for which such debt is due, and such part of any claim filed as may be for work done or materials furnished more than one year before the filing of the same, shall not be recovered against the building or land by virtue of this act, nor shall any lien be enforced by virtue of this act, unless the summons in the suit for that purpose shall be issued within one year from the date of the last work done or materials furnished in such claim; and the time of issuing such summons shall be endorsed on the claim by the clerk, upon the sealing thereof; and if no such entry be made within one year from such last date, such lien shall be discharged; *provided*, that the time in which such lien may be enforced by summons may be extended for any further period not exceeding one year, by a written agreement for that purpose, signed by said land owner and said claimant, and annexed to said claim on file before such time herein limited therefor shall have expired, in which case the county clerk shall enter the word "extended" on the margin of the lien docket opposite such claim; and any claimant, upon receiving written notice from the owner of the land or buildings requiring him to commence suit on such claim within thirty days from the receipt of such notice, shall only enforce such lien by suit to be commenced within said thirty days. Proviso.

13. *And be it enacted*, That such land and building may be discharged from any lien created by this act, (1) by payment and a receipt therefor, given by such claimant, which, when the same is executed in presence of, and is attested by any officer entitled to take the acknowledgment of the execution of a deed, or when acknowledged or proved before such officer, shall be filed by such clerk, and the words "discharged by receipt" shall be entered by him in said lien docket, opposite the entry of said lien, (2) or by paying to said county clerk the amount of said claim; which amount said clerk shall pay over to said claimant, (3) by the expiration of the time limited for issuing a summons on such lien claim, without any summons being issued, or without notice thereof endorsed on said claim; (4) by filing an affidavit that a notice from the owner to the claimant, requiring such claimant to commence suit to enforce such lien in thirty days from the service of such notice; and the Land and building how discharged.

lapse of thirty days after such service without such suit being commenced, or without an entry of the time of issuing such summons being made on such claim.

Distribution of proceeds of sale.

14. *And be it enacted*, That all lien claims for erecting the same building shall be concurrent liens upon the same and the land whereon the same is erected, and shall be paid pro rata out of the proceeds thereof, when sold by virtue of this act; and for the purpose of distribution, the sheriff or other officer shall pay such proceeds to the clerk of said circuit court, to be by said court distributed among such claims filed, or as shall be filed according to this act before petition filed in said court for distribution thereof, and among such only; but the amount paid to any claimant shall not be paid over to him until after his claim shall have been filed for three months; and if a caveat be filed against such claim by the owner, or by any claimant or claimants owning together one third of the lien claims filed against such building, then not until such claim shall have been established by a special judgment thereon; and such circuit courts shall have full power to adopt such rules of practice and pleading, and to make all orders necessary and proper to carry into effect the objects of this act, and to secure a proper disposition of the proceeds of sales to all persons entitled thereto by the provisions of this act.

Mode of contesting claim.

15. *And be it enacted*, That any land owner desiring to contest any claim and to free his house and land from the lien thereof, may pay to the county clerk the amount of such claim, with interest thereon, until six months after such payment, and twenty-five dollars in addition thereto, with notice to said clerk not to pay over the same until such claim be established by suit; which sum, or so much thereof as is necessary, shall be paid to such claimant upon his obtaining judgment against such buildings and lands, in the manner prescribed in this act, and said claim shall, from the payment of such money to such clerk, be a lien on said money, and said buildings and lands shall be discharged therefrom, and no execution shall issue against the same by virtue of such judgment; but if such suit is not commenced within the time which the said lands would be discharged by the provisions of this act without suit, or in case judgment be given therein without being against said

lands, said sum shall be repaid to him by said clerk, and if judgment be given against said lands for an amount less than that so deposited, then the surplus shall be returned by said clerk to said land owner.

Proceedings in other suits stayed until judgment in first suit.

16. *And be it enacted*, That where a summons has been issued and served in any way prescribed by this act, to enforce any building claim lien against any building and lands, all other suits commenced by summons subsequently issued, to enforce concurrent liens against the same building and lands, may be stayed by the claimant therein or by order of the court, until judgment in such first suit, unless notice to enforce such other claim has been served, or a caveat has been filed against paying the same, as hereinbefore provided.

Former act repealed.

17. *And be it enacted*, That the act entitled "An act securing to mechanics and others payment for their labor and materials in erecting any house or other building within the limits therein mentioned," approved April fifteenth, eighteen hundred and forty-six, and all supplements thereto, and all other acts and parts of acts contrary to, or within the purview of this act, are hereby repealed; but such repeal shall not affect any right acquired or lien filed under said acts, but the same shall remain and may be sued and prosecuted in all things as if said acts had not been repealed.

Approved March 11, 1853.

CHAPTER CXC.

A supplement to an act entitled "An act respecting annual reports to the legislature of railroad and canal companies."

Time for making reports.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the reports provided to

be made to the legislature, by railroad and canal companies, pursuant to the requirements of an act entitled "An act respecting annual reports to the legislature of railroad and canal companies," approved February twenty-fourth, eighteen hundred and fifty-two, shall hereafter be made out, signed, and attested, as provided for in the act to which this is a supplement, on or before the first Tuesday of January of each and every year, and shall forthwith be transmitted to the secretary of state, who shall file the same in his office, there to remain of record, and that copies of the said reports shall be made out by the said secretary, and transmitted to the legislature on the first Tuesday of February of each year.

Penalty for failure to make report.

2. *And be it enacted*, That upon the failure of any railroad or canal company of this state to make report to the legislature, in accordance with the provisions of the first and second sections of the act to which this is a supplement, by the first Tuesday of February in each year, they shall respectively forfeit and pay to the state, for every such omission, the sum of ten thousand dollars, to be sued for and recovered against them, in an action of debt, with costs of suit.

Fines, how disposed of.

3. *And be it enacted*, That all fines recovered from any incorporated companies in this state, under the provisions of this act, shall be added to the school fund of this state, for the benefit of public schools.

Approved March 11, 1853.

CHAPTER CXCI.

Supplement to an act entitled "An act authorizing the incorporation of plank road companies," approved February twenty-sixth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a majority of the resident freeholders in any township in this state, including three fourths of the owners of land adjoining the highway or highways, or the part or parts thereof, proposed to be dedicated for the purpose of a plank road or plank roads in said township, shall apply to the inferior court of common pleas of the county in which said township is situated, notice of which application shall be given by advertisements signed by one or more of said applicants, setting forth the day said application will be made, and in general terms, the public highway or highways, or part or parts thereof it is proposed to dedicate as aforesaid in said township, which advertisements shall be put up in three of the most public places in said township, twenty days before the time when said application is to be made, setting forth in their said application, that the applicants do petition and request the said court to dedicate, for the purpose of a plank road or plank roads, the public highway or highways therein named and described in general terms, or such part or parts thereof as may be therein named and described as aforesaid, so that the same may be taken and occupied for the purpose of a plank road or plank roads; then the court so applied to, on due proof being made that the application is signed by a majority of the resident freeholders in said township, including three fourths of the owners of land adjoining the highway or highways, or part or parts thereof, proposed to be dedicated in said township, and that the advertisements have been set up according to law, on which points the judgment of the court shall be conclusive, shall by their order, entered in the minutes of said court, dedicate for the purposes of a plank road or plank roads the said public highway or highways, or the part or parts thereof so named and described as aforesaid, in said applica-

Proceedings in case of dedication of highway for purposes of plank road.

tion, that the same may be taken and occupied for the purpose of a plank road or plank roads.

Certificate to be filed before road issued.

2. *And be it enacted*, That any highway or highways, or any part or parts thereof, so dedicated for the purpose aforesaid, shall continue and remain a public highway in all respects, until the plank road company formed to construct a plank road thereon, shall file in the office of the county clerk of said county, a certificate of the inspectors mentioned in the fourteenth section of the act to which this is a supplement, when the same, for the part so certified, shall be deemed thenceforth dedicated for the purpose of a plank road alone, so long as the company use and take toll upon the same; but such company, upon filing in the office of the secretary of state, a certified copy of the order or orders of said court dedicating said highway or highways, or any part or parts thereof, for the purpose aforesaid, is and shall be thereafter invested with, and authorized to exercise, all the powers, rights and privileges conferred in the tenth section of the act to which this is a supplement, necessary to construct the said plank road or roads thereon.

Return of survey.

3. *And be it enacted*, That it shall be sufficient in forming a company under the act to which this is a supplement, for the purpose of constructing a plank road or plank roads upon any public highway or highways, or on any part or parts thereof, that have been dedicated by order of the court as aforesaid, if the survey mentioned in the first and second sections of the said act, describes the highway or highways, or part or parts thereof, intended to be taken for a plank road or plank roads, in general terms; and that it shall not be necessary for the same to set forth the names of the owners or occupants of lands, or to be signed by any of the owners of the land, or to set forth their opinions or consent; and that the said company may be formed before or after the application to the court mentioned in the first section of this act.

Rates of toll.

4. *And be it enacted*, That any plank road company taking a public highway or highways, or part or parts thereof, pursuant to this act, for the purposes of a plank road or roads, shall not for so much of their road or roads as are upon such highway, charge toll at more than three fourths the rates speci-

fied in the fourteenth section of the act to which this is a supplement; and so much of the said act as requires compensation to be made to the owner or owners of land shall not apply to any land within the limits of a public highway taken for the purposes of a plank road pursuant to this act.

Company to keep bridges in repair.

5. *And be it enacted*, That county or township bridges on any public highway dedicated by virtue of this act for the purpose of a plank road, shall be used by the company in connection with their road, and the company shall keep the same in good repair, and rebuild the same, when necessary, at the expense of the company, so long as the company take toll upon their road, but no toll shall be demanded for crossing said bridges.

No toll to be charged in certain cases.

6. *And be it enacted*, That any person using a public highway so dedicated, on which a plank road has been constructed, shall pay the legal toll according to the rates of the company, whether the part of the highway that is planked be used or not, except when less than half a mile on either side of a toll gate or bridge is used, or a person, or his or her family, or those in his or her employ, pass from one part of his or her farm to another, without going farther, or in case of funerals, or going to or from religious meetings on Sunday.

Parts of former act not to apply to this.

7. *And be it enacted*, That the third section of the act to which this is a supplement, and such parts of the tenth section of said act as are inconsistent with the provisions of this supplement, and such other parts of said act as are inconsistent with the provisions of this supplement, shall not apply to any plank road constructed upon a public highway by virtue of this act.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1853.

CHAPTER CXCII.

AN ACT to incorporate the Almonesson and Westville Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be, and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "The Almonesson and Westville Turnpike Company;" and Hiram Morgan, James W. Pierce, Joseph Clement, Joshua Matlack, George B. Ward, Samuel H. Ladd, Joseph B. Conrow, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one or more newspapers printed and published at Woodbury, in the county of Gloucester, and one or more of the newspapers published in the city of Camden.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with the privilege of increasing it to any sum not exceeding eight thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, two dollars and fifty cents shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed; and that the residue of said stock shall be paid in

Payment of instalments.

such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said

Proviso.

company; *provided*, that if the number of shares subscribed

for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when one hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall, thereupon, proceed to elect, by ballot, seven directors, for the term of one year, and until others shall be chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, to be held as aforesaid; and the judge of said election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holders thereof, in person or by proxy; and that if one hundred shares of said stock shall not be subscribed for within two years, and the said road completed within three years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Officers of company.

4. *And be it enacted*, That as soon as conveniently may be, after the first and every subsequent annual election of directors, they shall elect a president, secretary, and treasurer of said company, for the term of one year, and until others shall be elected in their stead, who shall receive such compensation

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for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some one of their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during said year.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, beginning at or near the Almonesson mills and the road leading to Westville, to intersect with the Westville road to Glassboro', in the county of Gloucester, on or near the present road aforesaid, which said turnpike shall be sufficiently arched and drained to make and keep the same dry; at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon: and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all

times, upon all lands, to search for stone, gravel, sand or clay, for constructing and improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the said owners cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road. Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers and workmen, and other persons by them employed, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, sand, gravel or clay therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, to their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises, (except for the purpose of surveying said route,) unless the consent of the owner or owners of such land, or their legal representative, be first had and obtained; and if the owners of land or materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Gloucester, who is disinterested in the premises, upon application by either party, and after ten days' Proceedings in case company and owners cannot agree. Proviso.

notice in writing to the opposite party of such application, to appoint three disinterested commissioners, freeholders of the county in which the land lies, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath, or affirmation, faithfully and impartially to execute the duties thereof; and after ten days' notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Gloucester, to be by him filed as a public record, and certified copies thereof may be taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Gloucester, at the first term to be held after such decision, by proceeding in the form of petition to the said court, giving at least five days' notice, in writing, to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same; and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials, and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or jury shall award or find the same, or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be, for the same; but if the said appeal be made by the owner or owners of the land, and if the said court or jury shall not award or find the same, or a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found or awarded, with

Parties aggrieved may appeal.

costs, if any, the said company may enter upon and remove all such earth and other materials as have been so valued and appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report so made in behalf of any such persons, into the circuit court of the county of Gloucester, or to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings shall be at the proper costs and charges of the said company, except in cases of appeal, as above provided for.

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, according to the directions, true intent, and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider or led horse or mule,	five mills.
For every dozen of calves, sheep or hogs,	five mills.
For every dozen of horses, mules or cattle,	two cents.

And it shall and may be lawful for the toll gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or

Proviso.

any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Mile stones or posts to be erected.

9. *And be it enacted*, That before the said company shall receive toll for traveling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the beginning and ending thereof, or from Almonesson and Westville; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile stones or posts so erected on the said road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of debt or other proper action by said company for the recovery of damages for the same, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team or horse, shall turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

11. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to

be prosecuted by and recovered for the sole use of the person so unnecessarily hindered or defrauded.

Penalty for obstructing passage.

12. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person or persons who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Gloucester, who may be disinterested, the said justice shall immediately appoint by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, or either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice of the peace may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and report to the said justice of the peace in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said turnpike road, the said justice of the peace shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice of the peace to open the said gate or turnpike, exact toll of travelers, he shall for each offence, forfeit and pay twenty dollars,

to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the justice of the peace shall be allowed for his services, fifty cents, and the persons appointed, one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said turnpike road or bridge, and report as aforesaid, their opinion to the said justice of the peace, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed, but if on the first view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice of the peace shall appoint, in the same manner as above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

When act to take effect.

14. *And be it enacted*, That this act shall not take effect until the public highway upon which a part of the said turnpike road is authorized to be located and made, is vacated as a public highway, according to law.

Restrictions and liabilities.

15. *And be it enacted*, That the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 11, 1853.

CHAPTER CXCIII.

AN ACT to aid the erection of a monument commemorative of the declaration of American Independence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of uniting with the others of the thirteen original states in the necessary measures for the construction and maintenance in the public square adjoining Independence Hall, in the city of Philadelphia, of a monument to commemorate the declaration of American independence, the governor of this state is hereby authorized to appoint a suitable citizen of this state, a trustee or agent to represent this state in the board of trustees, that may be appointed by the said states respectively, for the same purpose, with the like powers; it will be the duty of the said board of trustees, when nine or more shall have been appointed by as many of the said thirteen states, to determine the design, plan, materials and expense of the said monument, and to prepare a statement exhibiting the proportion to be contributed by each of the original thirteen states, to defray the expense, assuming, as a rule for said proportion, the numerical representation at this time of each of such states in the House of Representatives of the Congress of the United States, and the periods when in their judgment, the instalments of the said contributions will be required in determining said design; an appropriate place on the exterior of such monument shall be provided for each contributing state, to contain such inscription as the state shall direct, commemorative of some citizen or citizens of her own, who took part in the responsibility of the declaration of the independence of the said states; the said trustees are to report to such of the states, represented by them, with all reasonable expedition, the design, plan and expense of said monument, as proposed by them, and the said statement of proportionate contributions; when the said states shall have made provisions for contributing their respective quotas of the said expense, the said board of trustees shall be authorized to proceed and construct the said monument, and a sufficient railing round the

Governor to appoint trustees.

Duties of trustees.

same, and shall receive and expend the moneys appropriated for that purpose by the different states; they will appoint the necessary superintendents and agents, and may authorize a committee of their body to receive and take charge of all moneys contributed; when the said monument shall be finished, the board of trustees shall render an account to their respective states of the moneys received and expended by them or under their direction, which shall be verified by the oaths of the principal superintendent, and one or more of the financial committee of the board, and shall be certified by the mayor of the city of Philadelphia, and the presidents of the select and common councils of the said city, or any two of them, to have been compared with the original vouchers and entries and to have been found correct.

Compensation of trustees.

2. *And be it enacted*, That the person so appointed trustee, shall hold and exercise said trust during the pleasure of the governor of this state, and in case of a vacancy by death, resignation or otherwise in said trust, the governor shall appoint successors from time to time, as occasion may require; no part of the fund contributed by the state, shall be applied to compensate any trustee for his services, but the actual expenses of the trustees appointed on the part of this state, shall, upon the warrant of the governor, be paid by the treasurer of this state, out of any moneys in the treasury not otherwise appropriated.

Payment of contribution.

3. *And be it enacted*, That upon receiving the report of the board of trustees of the design, plan, material and expense of said monument, and an estimate of the proportion to be contributed by this state, as herein provided, the legislature will make provision for the payment of the same in such instalments, as shall appear from the report and statement of the said board of trustees to be necessary.

4. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved March 11, 1853.

CHAPTER CXCIV.

AN ACT to incorporate the Ramapo and Weehawken Plank Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dudley S. Gregory, Francis Price, Hugh Maxwell, jun., Ashbel Green, Edward Suffern, Henry M. Alexander, Rodman M. Price, Garret G. Ackerson, John Lovett, jun., and Abraham Van Horn, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "The Ramapo and Weehawken Plank Road Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, in the county of Hudson, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, in one or more newspapers printed in the county of Hudson; at the times and places so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock, and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners; and the residue may be called in, and shall be paid at such times and in such amounts, by instalments, as is by this act hereinafter directed.

Election of directors.

4. *And be it enacted*, That whenever there shall be five hundred shares of the said stock subscribed, and the amount of five dollars on each share paid in, as before directed, the said commissioners, or a majority of them, shall give notice, as above specified, for a meeting of the stockholders for the purpose of

choosing directors and organizing said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect, by ballot, from among the stockholders, nine directors, a majority of whom shall be citizens and residents of this state, and hold their office for one year and until others are elected; and each stockholder at such election and all future elections of said corporation, shall have one vote for each share they may hold at the time of such election, and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

Payment of instalments.

5. *And be it enacted,* That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments not exceeding fifteen dollars on each share, by giving thirty days' notice of such required instalment in one or more of the newspapers printed in the county of Hudson; and if any stockholder shall neglect or refuse, for thirty days after such instalment is due, to pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock, and all payments thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just.

Commissioners to pay over money.

6. *And be it enacted,* That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they or a majority of them shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed, and the sum of one dollar and fifty cents per day for each and every day they have been employed in the duties of their apppointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted,* That in case it should happen that an election of directors should not be made on the day or at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved,

but such election may be held at any time, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Company authorized to construct road.

8. *And be it enacted*, That the president and directors of said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a plank road, not exceeding sixty feet in width, to commence at some point at or near Ramapo, in the county of Bergen, to the ferry established by the Weehawken Ferry Company, in the township of North Bergen, in the county of Hudson, with a branch road from said road at said ferry, extending northerly to Fort Lee, in said county of Bergen, and also one other branch extending northerly from the aforesaid main plank road, on the east side of English creek, through the English neighborhood, not exceeding ten miles in length, on such a course as may be deemed advisable, with right to erect such bridges as may be necessary, and where bridges are built over navigable streams, with such draws on the same as are made on other bridges over such streams; and it shall and may be lawful for the said president and directors, their agents and others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling, or laying out the route or routes of said road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, contractors, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into effect the object of this charter; and it shall be lawful for the said company, at any time, to drive piles and erect or build piers, wharves, platforms, ferry stairs, toll or other houses, or other works necessary for the said road, and ferries thereon, over any navigable stream crossed thereby, and also to lease, purchase and hold such real and personal estate, as may be deemed necessary for the purposes of said corporation, and sell, lease, allot and parcel, or

otherwise improve the same, or any part thereof, in such manner as the said corporation may determine; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of said lands be first had and obtained; and the said company may contract with any turnpike or bridge company, on the route they shall locate for the said road, for the purchase or hire of such turnpike or turnpikes or bridges, or any part thereof, and the same may be leased or conveyed to them by the said turnpike or bridge company.

Proviso.

Description of road.

9. *And be it enacted*, That the roadway for travel, hereby authorized to be constructed, shall be formed of good, substantial plank or boards, not less than nine feet in width, laid down in a firm and workmanlike manner, to present a smooth surface, and the same shall not rise above five degrees from the horizontal at any point.

Description of bridges.

10. *And be it enacted*, That the bridges across the Hackensack river shall be so constructed as that one part thereof shall not be less than forty feet over, to draw for the free passage of such vessels with standing masts as shall from time to time have occasion to pass up and down the said river, and the said draws shall be so constructed, for the safe passage of vessels with standing masts, with piles, piers, and platforms on each side of the draws of the said bridges, as are in the bridges which are already built over the Hackensack river, for the free navigation of vessels through the same; and being so constructed, shall, for the term hereby granted, be supported and maintained by the said directors and their successors; and for the safety of the navigators, a lamp, sufficient for the purpose, shall be placed, at the expense of the directors and their successors, on one side of the draws, in each of said bridges, on a post for that purpose; which said lamp shall be lighted every evening thereafter, as long as the said bridge shall stand, before it grows dark, and continue lighted until daylight the next morning; and the said directors and their successors shall,

as long as the said bridges are standing, keep, or cause to be kept, at each bridge, a careful person to open the draws of the said bridge for the passage of vessels with standing masts; and for each and every night's neglect for lighting the lamp, and for every neglect in opening the draw, the said directors, their agents and servants, shall pay the sum of ten dollars, to be recovered by action of debt, before either of the justices of the peace of the county of Bergen or Hudson, by any person suing for the same, one half to and for the use of the prosecutor, and the other half for the use of the poor of the township of Hackensack, in the county of Bergen, and of the township of North Bergen, in the county of Hudson.

Proceedings in case company and owners cannot agree.

11. *And be it enacted*, That when the company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials, so required for the use of the said company in the construction or repairs of said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and resident in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, hereinafter named; at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three judicious, impartial and disinterested persons, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said lands or materials, and to assess the damages; the said commissioners are also directed and required to assess the damages which any individual may sustain by said road, arising from the removing, making and maintain-

ing the fencing on the line of the said route, through any improved lands through which the same may run, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the said lands or materials, and assessment of the damages sustained by the owner or owners thereof, by reason of the taking the same for the use of the company, which shall be paid by the company for such lands or materials, or damages aforesaid; and the said commissioners shall make a report in writing, under their hands, or the hands of any two of them, of the value of said lands, materials, and damages, which report shall, within ten days thereafter, be filed, together with the aforesaid description of the land or materials, and the appointment and oaths and affirmation aforesaid, in the clerk's office of the county in which the said lands and materials are situate, to remain of record therein; and the said report or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, and of the right of the said owner or owners to recover the amount of the said valuation and assessment, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and until the same be paid, shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the

duties prescribed in this section, as he or they shall think equitable and right, which costs shall be paid by the said company.

Parties aggrieved may appeal.

12. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, shall apply to the justices of the supreme court, at the next term after the filing of said report, the said court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said matter in controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next circuit court to be holden in the county where said lands or materials, or any part thereof, may be, in the same manner as other issues in fact are tried in the said court, upon twenty days' notice of trial and six days' notice of the view being given by either party to the other; and, upon such trial, it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained by reason of the taking thereof, as aforesaid; and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution be awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and deducted out of the said sum so found by the jury, or execution awarded therefor, as the court shall direct; *provided*, that such application for an issue shall not prevent the said company from taking and using the said land and materials, upon the filing of the said report, and tender or payment of the sum awarded by the commissioners.

Proviso.

Proceedings in case owners are under legal disability.

13. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such

persons or the amount found by a jury, into the court of chancery, or to the clerk thereof, subject to the order of the said court, for the use of said owners; all which proceedings, as well under this, as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said justice shall and may direct the amount of cost andcharges of such valuation, appraisement and witness' fee.

Rates of toll.

14. *And be it enacted*, That the said company may erect gates and turnpikes, across the said road, whenever three miles of the said road is completed, and demand and receive toll for each mile of the said road so made, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,	two cents.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	one cent.
For every dozen of calves, sheep, or hogs, and so on in proportion for any greater or less number,	one cent.
For every dozen of horses, mules, or cattle, and so on in proportion for any greater or less number,	seven cents.

And it shall be lawful for any toll gatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes, until the toll as above specified has been paid for them respectively.

Mile stones or posts to be erected.

15. *And be it enacted*, That before the said company shall demand or receive toll for traveling said road, they shall cause mile stones or posts to be erected, one for each and every mile on said road; and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of the said road at the said ferry; and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalty for injuring works

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, or shall wilfully cut, break down, destroy, or deface, or otherwise injure any gate, turnpike,

bridge, machinery, timber, or plank, that shall be erected, built, placed, or laid down in pursuance of this act, or shall forcibly pass the gates or turnpikes without having paid the legal toll, such person or persons shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in action of debt, with costs of suit; and if any person shall, with team, carriage, or horse, turn out of said road to pass a gate or gates or turnpikes, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company, to their use, in an action of debt, with costs of suit.

Penalty for delay or illegal toll.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any person passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

18. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars, to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered in an action of debt with costs of suit.

Commencement and completion of road.

19. *And be it enacted*, That if the said plank road shall not be commenced within two years, and three miles thereof shall not be in use in five years from the passage of this act, then and in that case this act shall be void.

Approved March 11, 1853.

CHAPTER CXCV.

AN ACT to authorize the inhabitants of the township of Harrison, in the county of Hudson, and the inhabitants of the township of Mendham, in the county of Morris, to vote by ballot at their town meetings.

Township officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Harrison, in the county of Hudson, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter be fixed by law; that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee, consisting of five persons, one school superintendent, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables, and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, and for the place of holding the next annual town meeting, and the election of state and county officers.

Election officers.

2. *And be it enacted*, That the judge of election, elected at the last or any future town meeting, shall preside at and conduct the election at the next annual town meeting, and the clerk of the township shall be the clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justice of the peace.

Manner of conducting elections.

3. *And be it enacted*, That the elections shall open at ten o'clock in the morning, and close at seven o'clock in the afternoon of the same day, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be

performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable; be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner and stated according to law.

Vacancies, how supplied.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, the town committee shall, at their next meeting thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Township clerk to be clerk of town committee.

5. *And be it enacted*, That the clerk of the township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township, and when the town committee shall fill a vacancy, or elect, in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

Overseers of the poor to make annual report.

6. *And be it enacted*, That the overseers of the poor shall, at least ten days before the town meeting, prepare and lay before the town committee their annual report, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof, and of the reports of the overseers of the poor, posted up in three of the most public places in the township.

Compensation of election officers.

7. *And be it enacted*, That the reports of the town committee and the overseers of the poor shall be filed and preserved by the town committee; in posting up the list of officers elected as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting, as for attending a state or county election, and the town committee shall allow the clerk such compensation for additional duties required by this act, as they may deem reasonable.

Provisions of act extended.

8. *And be it enacted*, That all the provisions and restrictions of the foregoing sections be and they are hereby extended and applied to the township of Mendham, in the county of Morris, in like manner as the same are applicable to the township of Harrison aforesaid.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1853.

CHAPTER CXCVI.

A supplement to the act entitled "An act to incorporate the Keyport and Middletown Plank Road Company," approved March fifth, one thousand eight hundred and fifty-two.

Location of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the plank road authorized by the act to which this is a supplement, to be constructed, may be

located and constructed upon the main and most direct public road leading from the village of Keyport to the village of Middletown, commencing in the village of Keyport, at the point where the said Keyport and Middletown road intersects the Keyport and Freehold plank road, and continuing thence upon the said main road from Keyport to the termination thereof in the village of Middletown; *provided*, that before the said plank road shall be built, it shall be made to appear to the satisfaction of the inferior court of common pleas of the county of Monmouth, on application to the said court by a majority of the commissioners named in the said act to which this is a supplement, or by a majority of the directors of the said company, by due proof that a majority of the voters of any township through which said road from Keyport to Middletown runs have, by their signatures approved of the same, and that three fourths of owners of lands adjoining said road, in such township, have in like manner approved the same; which said court shall decide whether the majority of said voters and three fourths of said land owners have given their approbation as aforesaid, and cause such decision to be entered in the minutes of the said court. Proviso.

2. *And be it enacted*, That whenever the said court of common pleas shall decide that a majority of said voters and three fourths of said land owners in any of said townships have, by their signatures, approved the taking of so much of the said public road as lies within their respective townships for the purpose of building said plank road, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy, and excavate so much and such parts of said road as are within the townships where the taking of the same is approved as aforesaid, and to erect embankments, bridges, and all other works necessary to construct said plank road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter, and also to open said public road to the full width. When company may commence road.

3. *And be it enacted*, That if said plank road shall not be commenced within five years next after the said court of common pleas shall decide that a majority of said voters and three- Time of commencement and completion.

fourths of said land owners along the said public road have, by their signatures, approved the taking any part thereof for said plank road, and two miles of the same completed within six years after a decision shall have been made by said court of common pleas as aforesaid, such approval and decision shall be void.

Company to use and repair bridges.

4. *And be it enacted*, That county or township bridges on any public highway dedicated by virtue of this act for the purpose of a plank road, shall be used by the company in connection with their road; and the company shall keep the same in good repair and rebuild the same when necessary, at the expense of the company, so long as the company take toll upon their road, but no toll shall be demanded for crossing said bridges.

Company may charge toll.

5. *And be it enacted*, That any person using any public highway so dedicated or taken for a plank road, and on which a plank road has been constructed, shall pay the legal toll according to the rates of the company whether the part of the highway that is planked be used or not, except when less than half a mile on either side of a toll gate or bridge is used, or a person or his or her family, or those in their employ, pass from one part of his or her farm to another, without going further, or in case of funerals, or going to or from religious meetings on the first day of the week commonly called Sunday.

When company may erect gates.

6. *And be it enacted*, That whenever two miles of said plank road are completed, the said company may erect gates and turnpikes across the said road, and demand and receive toll for each mile of the said road so made, not exceeding the rates specified in the charter to which this is a supplement.

Approved March 11, 1853.

CHAPTER CXCVII.

AN ACT to defray incidental expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named, the following sums, viz: Certain incidental charges authorized to be paid.

1. To Charles Scott, for stationery furnished per contract, six hundred and seventy-five dollars and ten cents, ($675.10.)

2. To David Clark, for stationery, per contract, five hundred and one dollars and fifty-four cents, ($501. 54.)

3. To John F. Miller, for stationery, per contract, one hundred and fifteen dollars and three cents, ($115.03.)

4. To Charles Brearley, for stationery, per contract, two hundred and twenty-six dollars and fifty cents, ($226.50.)

5. To S. W. Decker, for stationery, per contract, sixty dollars, ($60.00.)

6. To Charles Scott, for stationery furnished to the court of errors and appeals, twenty-three dollars and seventy-five cents, ($23.75.)

7. To Charles Scott, for stationery furnished to the electoral college, eight dollars and fifty cents, ($8.50.)

8. To Charles Scott, for record books and stationery furnished for the office of the secretary of state, thirty-two dollars and eighty-seven cents, ($32.87.)

9. To S. & E. Roberts, for six clocks furnished for court rooms and state offices, forty-two dollars, ($42.00.)

10. To S. B. Smith, for trunk furnished for the preservation of cancelled bank notes, three dollars, ($3.00.)

11. To Joseph G. Brearley, for sundries furnished for state house, six dollars and thirty-eight cents, ($6.38.)

12. To S. H. Blackwell, for stoves furnished for state house and repairs to the same, eighty-one dollars and sixty-two cents, ($81.62.)

13. To Charles Brearley, for two new stoves furnished for state house and sundries, forty-seven dollars and forty-four cents, ($47.44.)

14. To Edward Williams, for painting and materials for state house, two hundred and eighty-three dollars and twenty three cents, ($283.23.)

15. To Upton & Miller, for wrought iron chimney top furnished for state house, twenty-nine dollars and fifty cents, ($29.50.)

16. To Wm. E. & G. Cook, for lumber furnished for boxes, &c., forty dollars and thirty cents, ($40.30.)

17. To Ralph Green, for carpenter work to boxes, &c., forty dollars and seven cents, ($40.07.)

18. To Charles Brearley, for sundries furnished to the state arsenal, eleven dollars and eight cents, ($11.08.)

19. To Phillip P. Dunn, for six whisk brooms furnished for use of state senate in eighteen hundred and fifty-two, one dollar, ($1.00.)

20. To Benjamin S. Disbrow, for repairs for office of the clerk of chancery, five dollars and twenty-five cents, ($5.25.)

21. To Joseph H. Blackfan, for services as private secretary of the governor, during the present session of the legislature, seventy-five dollars, ($75.00.)

22. To Charles Parker, William Grant and William Willits, for services in appraising property at the state prison, ninety dollars, ($90.00.)

23. To Charles Scott, for stationery, furnished for the executive department, forty dollars and eighty-seven cents, ($40.87.)

24. To J. S. Fish, for coal furnished for state arsenal, twenty-one dollars and twenty-five cents, ($21.25.)

25. To John Lanning, for carting to the state arsenal, two dollars, ($2.00.)

26. To president and directors of the Trenton Water Works, for use of water one year, to April first, eighteen hundred and fifty-three, fifteen dollars, ($15.00.)

27. To William W. Norcross, for candles furnished for use of state senate in eighteen hundred and fifty-two, fifty-eight dollars and thirty-one cents, ($58.31.)

28. To Camden and Amboy Railroad Company, for transportation of arms to state arsenal, thirteen dollars and sixty cents, ($13.60.)

29. To Sherman & Harron, for advertising governor's proclamation for thanksgiving in daily and weekly State Gazette, nine dollars, ($9.00.)

30. To William Pearson, for work at state house, repairing, &c., seventeen dollars and fifty-six cents, ($17.56.)

31. To Charles W. Jay, for advertising governor's proclamation for apprehension of the murderer of Robert McDougall, seven dollars, ($7.00.)

32. To Charles Scott, for stationery furnished state library, eleven dollars and seventy-five cents, ($11.75.)

33. To Charles Scott, for stationery furnished for the supreme court, twenty-six dollars and eighty-seven cents, ($26.87.)

34. To Charles Scott, for sundries furnished for supreme court, by order of James Wilson, late clerk, seventeen dollars and thirty-one cents, ($17.31.)

35. To Charles Scott, for stationery furnished to Samuel R. Hamilton, quarter-master-general, twelve dollars and sixty-three cents, ($12.63.)

36. To Charles Scott, for sundries furnished R. M. Smith, state treasurer, twenty-five dollars, ($25.00.)

37. To Charles Scott, for sundries furnished for use of the court of chancery, by order of the clerk, twenty dollars and forty-five cents, ($20.45.)

38. To Charles Scott, for stationery furnished engrossing clerk of house of assembly, twenty dollars and eighty-seven cents, ($20.87.)

39. To Daniel M. Woodruff, for services rendered for state arsenal, per order of quarter-master-general, ten dollars, ($10.00.)

40. To William Briest, for cleaning assembly room, three dollars and fifty cents, ($3.50.)

41. To Samuel Mulford, for repairing pavement, one dollar and fifty cents, ($1.50.)

42. To Andrew Barricklo, for pitcher and tumblers for supreme court room, ten dollars and forty-three cents, ($10.43)

43. To S. Vansickle, for catalogue and arranging books in state library, fifty dollars, ($50.00.)

44. To Bottom, Tiffany & Co., for interest upon balance

due them from the house of refuge, three hundred and ten dollars, ($310.00.)

45. To Biles & Hunt, for interest upon balance due them from the house of refuge, eighty-seven dollars and eighty-three cents, ($87.83.)

46. To Runyon Toms, for carriage hire for committees to state prison and asylum, seventeen dollars, ($17.00.)

47. To Morgan Scudder and S. Vansickel, for services as appraisers of personal property of asylum, for eighteen hundred and fifty-two, thirty-six dollars, ($36.00.)

48. To Ralph Green, for lumber and work for state library, thirty-five dollars and twenty-six cents, ($35.26.)

49. To S. Vansickel, for book-case, carpet, oil-cloth, and repairing, &c., in assembly room, twenty-six dollars, ($26.00.)

50. To S. Vansickel, for cleaning library, building fires in court rooms, twenty dollars and fifty cents, ($20.50.)

51. To upon the warrant of the governor, such sum as may be audited for painting the state house, pursuant to the directions of a concurrent resolution adopted at the present sitting of the legislature.

52. To Trenton Gas Light Company, for gas to light state house, seventy-five dollars and ten cents, ($75.10.)

53. To David S. Anderson, for work and materials for state house, five dollars and seventy-five cents, ($5.75.)

54. To Anthony Rowley, for two mats furnished for library and state senate, two dollars and twenty-five cents, ($2.25.)

55. To Charles Scott, for stationery furnished for house of assembly, forty-three dollars and ninety-five cents, ($43.95.)

56. To John S. McCully, postmaster, for letters, stamps, furnished according to concurrent resolution of both houses, three hundred and twenty dollars, ($320.00.)

57. Charles Scott, for stationery furnished for use of state senate, as per resolution, one hundred and fifty-seven dollars and eighty-three cents, ($157.83.)

58. To David W. Delliker, for stationery furnished for assembly room, three dollars and seventy-five cents, ($3.75.)

59. To "Newark Eagle," for advertising governor's reward for the murderer of Catharine Schneller, two dollars and fifty cents, ($2.50.)

60. To Phillips & Boswell, for printing letter heads, &c., thirty-four dollars, ($34.00.)

61. To Titus H. Stout, for making fires in state house, sixty-six dollars, ($66.00.)

62. To Charles Scott, for stationery furnished engrossing clerk of senate, twenty-four dollars and twelve cents, ($24.12.)

63. To Morris R. Hamilton, for printing bills, pamphlets, &c., for senate and house of assembly, three thousand two hundred and ninety-three dollars and ninety-six cents, ($3,293.96.)

64. To Benjamin Hamilton, jr., member elect from the county of Sussex, for his per diem during the present sitting of the legislature, the sum of one hundred and fifty dollars, ($150.00.)

65. To Benjamin S. Disbrow, such amount to defray the funeral expenses of the Hon. Reuben Fithian, deceased, late a member of the senate, as may be audited by the auditor of public accounts and approved by the governor.

66. To John Grant, for interest on one thousand dollars from May sixth to August eleventh, eighteen hundred and fifty-three, fifteen dollars and eighty-three cents, ($15.83.)

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 11, 1853.

CHAPTER CXCVIII.

AN ACT to enable parties having claims against the New York and Erie Railroad Company, and others, using the Paterson and Hudson river railroad, and the Paterson and Ramapo railroad, to prosecute for such claims or damages, in the courts of this state, and to legalize the leases or contracts made by the Paterson and Ramapo Railroad Company and the Paterson and Hudson River Railroad Company to the Union Railroad Company.

Preamble.

WHEREAS, the New York and Erie Railroad Company are now in possession of the Paterson and Hudson river railroad and the Paterson and Ramapo railroad under certain leases and contracts made by said companies, and are now carrying on the business of said roads under said leases and contracts; and whereas, the New York and Erie Railroad Company, being a foreign corporation, and any other corporation or individuals using said roads or either of them, and transacting the business of the same, ought to be liable to actions for damages done in operating said roads as fully as the said companies are by their charters now liable, and to effect that purpose, all doubts as to the authority of said companies to make such leases and contracts ought to be removed; and whereas, all persons having claims for debt or damages of any and every kind ought to be enabled to prosecute said foreign corporation in the courts of this state; therefore,

Company liable for debts, damages, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York and Erie Railroad Company, and any other corporation or individuals using the aforesaid roads, or either of them, shall be and they are hereby declared liable for all claims for debts, damages, omissions and delinquencies arising from the running or operating said railroads, and carrying freight and passengers on the same, as fully as the said the Paterson and Hudson River Railroad Company and the Paterson and Ramapo Railroad Company are now liable by the laws of this state.

2. *And be it enacted*, That whenever any action shall be commenced against the said the New York and Erie Railroad Company or any other foreign corporation using said roads, in any of the courts of this state, the first process to be made use of may be a summons or subpœna, a copy whereof shall be served on the president or one or more of the directors, or the superintendent, or on any station agent of said corporation six entire days before its return. Manner of commencing action.

3. *And be it enacted*, That when the sheriff or other officer shall return such summons or subpœna "served" or "summoned," the defendants shall be considered as appearing in court, and may be proceeded against accordingly. Return of summons or subpœna.

4. *And be it enacted*, That the power and authority of the said Paterson and Hudson River Railroad Company, and the Paterson and Ramapo Railroad Company, to make such leases and contracts, is hereby declared and affirmed, and said leases and contracts are hereby declared legal and valid; *provided*, that said leases and contracts shall not be held to grant any power, privilege or right, not granted to said companies, respectively by their charters, and the supplements thereto. Companies authorized to make contracts, &c. Proviso.

5. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act.

Approved March 14, 1853.

CERTIFICATE OF THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY,

Of their acceptance of the provisions of an act entitled "An additional supplement to the act entitled 'An act to incorporate the New Jersey Railroad and Transportation Company.'" (For supplement see page 88.)

WHEREAS, the legislature of the state of New Jersey did, at their late session pass an act entitled "An additional sup-

plement to the act entitled 'An act to incorporate the New Jersey Railroad and Transportation Company,'" passed the seventh day of March, one thousand eight hundred and thirty-two; and whereas, the third section of said act enacts "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company, shall certify their acceptance of the same as a supplement to and a part of the charter of said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of state, a certified copy of which acceptance, the secretary of this state shall cause to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

BE IT THEREFORE HEREBY CERTIFIED, That the New Jersey Railroad and Transportation Company do accept this said act as a supplement to and part of the charter of said company.

WITNESS the hands of the president and secretary and the seal of the said the New Jersey Railroad and Transportation Company, this twenty-first day of April, in the year of our Lord one thousand eight hundred and fifty-three.

J. PHILLIPS PHŒNIX, [L. S.]
Pres. N. J. R. R. & T. Co.

W. A. WHITEHEAD,
Sec'y N. J. R. R. & T. Co.

(A true copy,)
THOS. S. ALLISON, Sec'y of State.

JOINT RESOLUTIONS.

NUMBER I.

To authorize the payment of the indebtedness of the state to the school fund.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer be authorized and directed to transfer to the school fund of this state, three bonds of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, with coupons attached, at the par value thereof, as follows: a bond, number two hundred and fifty-six, for eight thousand five hundred dollars, dated Princeton, March second, eighteen hundred and forty; a bond, number two hundred and fifty-seven, for eight thousand five hundred dollars, dated Princeton, March second, eighteen hundred and forty; and a bond, number nine hundred and fifty-seven, for twenty thousand dollars, dated Princeton, July first, eighteen hundred and fifty, in payment of the principal and interest of the indebtedness of the state to the school fund; and if, after such transfer, any balance of such indebtedness to the school fund shall remain due, then to pay the same out of any moneys in the treasury not otherwise appropriated. Treasurer authorized to transfer bonds

Approved February 5, 1853.

NUMBER II.

To authorize the Belvidere Delaware Railroad Company to issue bonds, convertible into stock.

Preamble. WHEREAS, it has been represented that the capital stock subscribed for the Belvidere Delaware Railroad Company has been nearly expended, and that for its completion to Belvidere, and the engines, cars and other machinery necessary for its effective operation, the sum of one million of dollars, over and above the capital stock already subscribed, will be required; and whereas, the speedy completion of the whole line of this road is of great importance to the interest and convenience of a large portion of the state; therefore,

Bonds convertible into stock. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to make the bonds of the company which may be issued for such purpose, convertible into stock at par, at the option of the holders, at any time within the period for which the said loan shall be made.

Approved February 16, 1853.

NUMBER III.

Authorizing the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Company to make a further subscription to the capital stock of the Freehold and Jamesburg Agricultural Railroad Company.

Preamble. WHEREAS, the extension and construction of the Freehold and Jamesburg Agricultural Railroad to the village of Tom's River would be highly advantageous to a large agricultural

portion of the people of this state, and a sufficient amount of capital stock has not been subscribed for the construction of the same: therefore,

Company authorized to make further subscription.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, be and they are hereby authorized to subscribe for any number of shares not exceeding one thousand of the capital stock of the Freehold and Jamesburg Agricultural Railroad Company; *provided*, that in the distribution of the shares of stock of said Freehold and Jamesburg Agricultural Railroad Company, individual subscribers shall first be allowed the number of shares subscribed by them respectively; and *provided further*, that the state of New Jersey shall not be compelled to take said stock and works at the expiration of the charters of the joint companies.

Proviso.

Proviso.

Approved February 16, 1853.

NUMBER IV.

In relation to the library.

Catalogue to be printed and bound.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That five hundred copies of the catalogue prepared by the librarian be printed, and that fifty copies of the same be bound with blank sheets, that the future books acquired by the library may be properly entered thereon.

Approved March 3, 1853.

NUMBER V.

Respecting a light house on Absecom Beach, and bell buoy outside Absecom Bar.

Preamble. WHEREAS, the erection of a light house on Absecom Beach, and the anchoring of a bell buoy outside Absecom Bar, would greatly promote the safety of vessels navigating the Atlantic coast, and thereby conduce to the interests of navigation and commerce; and whereas, an application from the citizens of this state for an appropriation for such objects, is now before congress; therefore,

Appropriation for light-houses, &c. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be requested to use their influence to obtain a sufficient appropriation for the purpose of constructing a light house and the anchoring of a bell buoy as aforesaid.

Governor to transmit copies. 2. *And be it resolved*, That the governor be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved March 3, 1853.

NUMBER VI.

Relative to the construction of a breakwater at Cape May.

Preamble. WHEREAS, certain resolutions were passed by the legislature of this state, in the session of eighteen hundred and forty-four, and at other sessions prior and subsequent thereto, requesting our senators and representatives in congress to use their efforts to obtain an appropriation towards the construction of a breakwater harbor at Cape May, which have thus

far resulted in no measures on the part of the general government in furtherance of that important object; and whereas, the coasting trade connected with the river Delaware has greatly increased since the time referred to, and it is believed that the amount of vessel property engaged in the coal carrying business alone, would fully warrant such an appropriation; and whereas, the construction of a breakwater near Cape May could be made at a cost not exceeding one fourth of the amount already expended on the breakwater near Cape Henlopen, (as by reference to the survey made by Major Bache, of the topographical engineer corps, in the year eighteen hundred and thirty-six, will more fully appear,) and that said breakwater would afford a more ample and important harbor, not only to vessels entering and departing from the Delaware bay, but also to those passing along our coast in tempestuous weather, and is imperiously called for by our fellow citizens along the whole Atlantic coast of the United States, interested in the coasting trade, and out of the track of coasting vessels, north of Cape May, and very difficult of access in thick and stormy weather; therefore,

Breakwater near Cape May.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be once more earnestly requested to use their utmost exertions to obtain, during the present or the next session of congress, an appropriation for the commencement of a breakwater harbor on Crow Shoal, in the Delaware bay, near Cape May.

Secretary of state to forward copies.

2. *And be it resolved*, That the secretary of state be directed to forward to each of our senators and representatives in congress, a copy of these resolutions and preamble.

Governor to transmit copies.

3. *And be it resolved*, That the governor of this state be requested to communicate the same to the governors of Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania and Delaware, desiring them to lay the same before their respective legislatures, respectfully soliciting their cooperation in this measure.

Approved March 5, 1853.

NUMBER VII.

For the relief of Timothy Field, of the county of Mercer.

Treasurer authorized to pay balance due T. Field.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized to pay to the said Timothy Field, the sum of two hundred and fifty dollars, being the balance due him on his account for materials furnished by him by order of the inspectors of the New Jersey State Prison, for the purpose of heating the same with hot air.

Approved March 10, 1853.

NUMBER VIII.

Relative to a state prison hospital.

Plan and estimate to be made and submitted.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the keeper and physician of the state prison are hereby authorized and required to employ a competent architect to make a plan, specification and estimate of a hospital for the use of the state prison; also, a plan, specification and estimate of an additional wing to the state prison, and to report the same to this or to the next session of the legislature.

Payment of expenses.

2. *And be it resolved*, That the expenses incurred under these joint resolutions shall be paid by the treasurer of this state, on a warrant of the governor, for any reasonable sum not exceeding one hundred dollars.

Approved March 10, 1853.

NUMBER IX.

Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe for a part of the capital stock of the Rocky Hill and Mount Holly and Pemberton Railroad and Transportation Companies.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be and they are hereby authorized to subscribe for and take any number of shares, not exceeding one half of the capital stock of the Rocky Hill and Mount Holly and Pemberton Railroad and Transportation Companies; *provided*, in the distribution of the shares of stock of said Rocky Hill and Mount Holly and Pemberton Railroad and Transportation Companies, individual subscribers shall be first allowed to subscribe for or retain the number of shares subscribed for by them, respectively; *and further provided*, that the state of New Jersey shall not be compelled to take said stock or works, at the expiration of the charters of the joint companies.

Joint companies authorized to subscribe for stock.

Proviso.

Proviso.

Approved March 10, 1853.

NUMBER X.

Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe for part of capital stock of the New Egypt and Hightstown Railroad Company.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Ca-

Authorized to subscribe for stock.

New Jersey State Library

nal and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized to subscribe for and take any number of shares, not exceeding one hundred and fifty thousand dollars, of the capital stock of the New Egypt and Hightstown Railroad Company; *provided,* in the distribution of shares of stock of said New Egypt and Hightstown Railroad Company, individual subscribers shall first be allowed to subscribe for or retain the number of shares subscribed for by them, respectively; *and provided further,* that the state of New Jersey shall not be compelled to take said stock or works at the expiration of the charters of the joint companies.

Proviso.

Proviso

Approved March 10, 1853.

NUMBER XI.

To authorize the treasurer to borrow money.

Treasurer authorized to borrow money

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey,* That the treasurer of this state be authorized to borrow, from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding thirty thousand dollars, at a rate of interest not exceeding six per cent. per annum; and that he be instructed to repay the whole, or as much thereof, before the first day of January next, as the condition of the treasury will allow of.

Approved March 11, 1853.

NUMBER XII.

Providing for lighting the court rooms in the state house with gas.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized to cause the necessary fixtures and apparatus to be provided and put up in the court rooms in the state house, in order that the same may be suitably lighted with gas; and that the necessary expenses thereof, not to exceed one hundred dollars each, be paid by the treasurer out of any moneys in the treasury not otherwise appropriated, the accounts being first audited and certified by the secretary of state. Treasurer authorized to have gas fixtures to be put up.

Approved March 11, 1853.

CONTENTS.

Chap.		Page.
1.	An act to amend an act approved the twenty-fifth day of March, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water,"	3
2.	An act relative to the court of pardons,	4
3.	A further supplement to an act entitled "An act to incorporate the Sussex Zinc and Copper Mining and Manufacturing Company," approved February the twenty-third, eighteen hundred and forty-eight,	6
4.	A further supplement to the act entitled "An act to incorporate the Bordentown Water Company," approved March first, eighteen hundred and forty-nine,	7
5.	An act concerning the firemen of Jersey City, in the county of Hudson,	8
6.	An act to incorporate the Mount Holly Gas Light Company,	9
7.	An act to incorporate the "Burlington or Matiniconk Island Land Association,"	14
8.	An act to incorporate the Mount Vernon Hotel Company,	17
9.	A supplement to an act entitled "An act to incorporate the Mount Hope Mining Company,"	18
10.	A supplement to the act entitled "An act to incorporate the Sussex and Warren Railroad Company," approved February twenty-one, eighteen hundred and fifty-one,	20

11. A supplement to the act entitled "An act for the relief of persons imprisoned on civil process," 21
12. An act to incorporate the Pleasantville and Atlantic Turnpike Company, 22
13. An act to incorporate the Board of Education of the city of Newark, 31
14. An act to change the time for the collection of taxes in the township of Elizabeth, in the county of Essex, 33
15. An act supplementary to an act entitled "An act for the more easy partition of lands held by co-parceners, joint tenants and tenants in common," approved April sixteenth, eighteen hundred and forty-six, 34
16. An act to incorporate the Bordentown Gas Light Company, 35
17. An act to provide for the safety of travel on turnpike roads, 39
18. An act to incorporate the West Jersey Railroad Company, ib.
19. An act to authorize the inhabitants of the townships of Hope and Knowlton, in the county of Warren, and the township of New Barbadoes, in the county of Bergen, to vote by ballot at their town meetings, 49
20. An act to set off a part of the township of Newton, in the county of Sussex, and to annex the same to the township of Green, in said county, 52
21. A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight, 53
22. A supplement to the act entitled "An act to incorporate the Red Bank Steamboat Company," passed February nineteenth, eighteen hundred and fifty-two, 59
23. A supplement to the act entitled "An act to incorporate the Washington Turnpike Company," 60
24. A supplement to an act entitled "An act for the re-

lief of John Carter," of the county of Atlantic," passed February ninth, eighteen hundred and forty-three, 61
25. A supplement to the act entitled "An act to incorporate the Schooley's Mountain Manufacturing Company," 62
26. An act to repeal a part of the charter of the Paterson and Hamburg Turnpike Company, 63
27. An act to incorporate the Paterson Car Manufacturing Company, 64
28. An act to incorporate the "Cape Island Gas Company," 67
29. An act to incorporate the Bordentown Female College. 71
30. An act to incorporate the Chingarora Hall Association, of Keyport, New Jersey. 74
31. An act to incorporate the Woodbury and Cross Keys Turnpike Company. 76
32. An act to incorporate the Boonton Iron Company, 85
33. An additional supplement to the act entitled "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two, 88
34. An act to authorize the directors of the Belvidere Delaware Railroad Company, and of the Flemington Railroad and Transportation Company, out of the nett earnings of the said companies, to make and declare the same dividends to the stockholders, 90
35. An act to set off from the township of Bethlehem, in the county of Hunterdon, a new township, to be called the township of Union, 91
36. An act to incorporate the New Egypt and Newtown Railroad Company, 93
37. An act to incorporate the "Fairmount Fire Company, of Camden," instituted July fourth, eighteen hundred and fifty-one, 103
38. An act to incorporate the Rocky Hill Railroad and Transportation Company, 104

39. An act to authorize the inhabitants of Colt's Neck, in the county of Monmouth, to sell their free church and invest the proceeds thereof, 113
40. A supplement to an act entitled "An act to incorporate the Moorestown and Camden Turnpike Company," approved February twenty-eigthth, eighteen hundred and forty-nine. 114
41. A supplement to the act entitled "An act to incorporate the Bellville Mutual Insurance Company," 115
42. A supplement to an act entitled "An act to incorporate the Hillsborough Mutual Fire Assurance Association of the county of Somerset," passed March fourth, eighteen hundred and forty-four, 116
43. A further supplement to an act entitled "An act to divide the township of North Bergen in the county of Hudson, and to establish a new township in the said county, to be called the township of Hoboken," approved March first, eighteen hundred and forty-nine, 116
44. A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six, 119
45. A supplement to an act entitled "An act to incorporate the Jersey Little Falls Manufacturing Company," passed the fourteenth day of November, A. D. eighteen hundred and twenty-three, 120
46. An act to authorize the "Union Presbyterian Church of Georgetown and Lambertville," to extend their church edifice over the lands left by Emanuel Coryell, deceased, for a burial ground, and to preserve the enclosure around the said burial ground. 121
47. An act to incorporate the New Egypt and Hightstown Railroad Company. 122
48. An act to incorporate the Rahway Gas Light Company, 131
49. An act to repeal a supplement to an act entitled "An act to authorize the inhabitants of the town-

ship of Orange, in the county of Essex, and the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, to vote by ballot at their town meetings," approved March twenty-eighth, one thousand eight hundred and forty-five, 134

50. An act to confirm the will of Sarah Ann Hill, deceased, 135

51. An act to change the name of the Baptist Church of Amwell to the Baptist Church of Flemington, in the county of Hunterdon, 136

52. An act to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, to the township of New Barbadoes, in the said county of Bergen, 137

53. A further supplement to the act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen," passed November thirtieth, eighteen hundred and two, ib.

54. A further supplement to "An act for the preservation of clams and oysters," approved April fourteenth, eighteen hundred and forty-six, 139

55. A further supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six, ib.

56. An act to incorporate the Beverly and Riverton Turnpike and Bridge Company, 140

57. An act for the relief of the Methodist Episcopal Church at Cedar Grove, 150

58. An act to set off a part of the township of Wash-

ington, in the county of Morris, and to annex it to the township of Chester, in said county, 152
59. An act to set off from the township of Greenwich, in the county of Gloucester, a new township, to be called the township of Mantua, 153
60. A supplement to the act entitled "An act to incorporate the Mullica Hill and Woodbury Turnpike Company," 156
61. An act to incorporate the Walkill Manufacturing Company, ib.
62. An act to authorize the trustees of the Methodist Episcopal Church of Vincentown, in the county of Burlington, to sell their church and lot of land, 159
63. A supplement to the act entitled "An act to incorporate the Paterson and New York Plank Road Company," approved March fourteenth, eighteen hundred and fifty-one, 160
64. A supplement to an act entitled "An act to incorporate the Vincentown and Mount Holly Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-two, 161
65. A supplement to an act entitled "An act to incorporate the Zinc Mines Plank Road Company," approved March tenth, eighteen hundred and fifty-two, 162
66. A supplement to an act entitled "An act to incorporate the Florence and Freehold Plank or Turnpike Road Company," approved February nineteenth, eighteen hundred and fifty-two, 163
67. A further supplement to the act entitled "An act to incorporate the Monmouth County Plank Road Company," approved February twentieth, eighteen hundred and fifty, 164
68. A further supplement to the act entitled "An act to incorporate the Sussex Iron Company," approved March twentieth, eighteen hundred and forty-five, 165
69. An act to regulate the laying out of streets and highways in the city of Perth Amboy, and the grading and improvement of the same, 166

70. A supplement to the act entitled "An act to incorporate the Mullica Hill and Pole Tavern Turnpike Company," 174
71. A supplement to the act entitled "An act to incorporate the South Camden Ferry Company," approved March fourteenth, one thousand eight hundred and fifty-one, 175
72. A supplement to an act entitled "An act to incorporate the Newark and Bloomfield Railroad Company," approved March twenty-sixth, eighteen hundred and fifty-two, 176
73. An act supplementary to an act entitled "An act to incorporate the Provident Institution for Savings, in Jersey City," passed February twenty-seventh, eighteen hundred and thirty-nine, 178
74. An act for the relief of the ministers, church wardens and vestrymen of the church of Saint Andrew, in Mount Holly, 179
75. An act to incorporate the Bergen County Railroad Company, ib.
76. An act to incorporate the Newark and Springfield Railroad Company, 189
77. An act to incorporate the Mount Holly and Jobstown Turnpike Company, 199
78. An act supplementary to the act entitled "An act to incorporate the Westfield and Camden Turnpike Company, 208
79. An act relative to the election of overseers of the highways in the township of Mansfield, in the county of Warren, 209
80. An act supplementary to the act incorporating the Mount Holly and Pemberton Turnpike Company, 210
81. An act to incorporate the Freehold and Howell Plank Road Company, 211
82. An act to incorporate the Perth Amboy Ferry Company, 219
83. An act supplementary to the act entitled "An act to incorporate the Mount Holly and Moorestown Turnpike Company," 221

84. An act to incorporate "The West Jersey Glass Manufacturing Company," 222
85. An act to change the name of the "First Independent Presbyterian Church of Paterson, with free seats," 225
86. An act relative to the field books and maps of the partition of the common lands in the township of Bergen, made by the commissioners appointed by two acts, passed respectively, December seventh, A. D., seventeen hundred and sixty-three, and August twenty-sixth, A. D., seventeen hundred and eighty-four, 226
87. An act to authorize the conveyance of certain real estate in the city of Newark, 227
88. An act to incorporate the Hackensack Plank Road Company, 228
89. An act relative to habitual drunkards, 237
90. A supplement to the act entitled "An act to incorporate the Belvidere and Water Gap Railroad Company," approved February twenty-first, eighteen hundred and fifty-one, 239
91. A supplement to the act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved March twelfth, eighteen hundred and fifty-one, ib.
92. A further supplement to the act entitled "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six, 240
93. A further supplement to the act entitled "An act to incorporate the Woodbury and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine, 241
94. A supplement to the act entitled "An act to register mortgages," ib.
95. A supplement to the act entitled "An act respecting prosecutors of the pleas of this state," 242
96. A supplement to the act entitled "An act for the preservation of deer and other game, and to prevent trespass with guns," 243

97. A supplement to an act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six, 243
98. An act to incorporate the Mount Holly Hotel and Arcade Company, 245
99. An act to incorporate the Mount Holly Telegraph Company, 247
100. An act to protect fish in the waters of Black river, Rockaway river, and the Stanhope reservoir, within the boundaries of the counties of Morris and Sussex, 252
101. An act to authorize the erection of a draw or swing bridge over Rancocas Creek, 253
102. An act to authorize the trustees of the Methodist Episcopal Church at Tom's River to sell the same, 254
103. A supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one, 255
104. A further supplement to the act entitled "An act to incorporate the city of Newark," ib.
105. A further supplement to the act entitled "An act relative to the court of errors and appeals," approved April sixteenth, eighteen hundred and forty-six, 261
106. An act to incorporate the Cape May and Atlantic Railroad Company, ib.
107. An act authorizing the Burlington or Mattiniconk Island Land Association to build a bridge over the inner channel of the river Delaware, to connect Burlington or Mattiniconk Island with the city of Burlington, 270
108. An act to incorporate the Somerville Gas Light Company, 271
109. An act to confirm certain acknowledgments of deeds, mortgages, and other instruments of writing, taken by Apollos M. Elmer, 275
110. An act to revive the act entitled "An act to incorporate the Millstone and New Brunswick Railroad," 276

111. An act to authorize and empower "The trustees of the school district incorporated by the name of 'The Central School of Harrington,'" in the county of Bergen, to sell and convey certain lands belonging to said district, 277

112. A supplement to an act entitled "An act to incorporate the New Jersey Zinc and Copper Mining and Manufacturing Company," passed March third, eighteen hundred and forty-one, 279

113. A supplement to the act entitled "An act to authorize the partition of lands in cases where particular undivided shares therein are limited over," approved March sixth, eighteen hundred and fifty-two, 280

114. A further supplement to an act entitled "An act to incorporate the Belleville Railroad and Transportation Company," passed February sixteenth, eighteen hundred and thirty-six, 281

115. A supplement to an act entitled "An act concerning contracts of real estate, made by testators and intestates in their life time," passed thirteenth November, eighteen hundred and four, 283

116. A supplement to the act entitled "An act to incorporate the Mount Holly and Pemberton Railroad and Transportation Company," approved March seventh, eighteen hundred and fifty, 284

117. A supplement to the act entitled "An act relative to the supreme and circuit courts," approved April sixteenth, eighteen hundred and forty-six, 285

118. A supplement to an act entitled "An act to regulate fees," approved April fifteenth, A. D., eighteen hundred and forty-six, 286

119. A further supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," 287

120. An act to incorporate the South Camden Railroad Company, ib.

121. An act to incorporate the Hainesport, Lumberton and Vincentown Turnpike Company, 295

122. An act to incorporate Telegraph Companies, 304
123. An act to incorporate the Elizabethtown Gas Light Company, 307
124. An act to protect fish in Budd's lake, in the township of Roxbury, in the county of Morris, 311
125. An act to change the time for the collection of taxes in the township of Bloomfield, in the county of Essex, ib.
126. An act to incorporate the borough of Hightstown, 312
127. A further supplement to an act entitled "An act to authorize the owners and possessors of a certain tract of woodland therein named, to prevent horses, cattle and sheep from running at large therein," passed the twenty-fifth day of February, eighteen hundred and one, 320
128. A supplement to an "Act to prevent gaming," passed February eighth, seventeen hundred and ninety-seven; revised statutes, page five hundred and seventy-two, 326
129. A supplement to the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, ib.
130. A supplement to the act entitled "An act to authorize the inhabitants of the township of Pompton, in the county of Passaic; the townships of Harrison, Franklin and Woolwich, in the county of Gloucester, to vote by ballot at their annual town meetings," approved March seventh, eighteen hundred and fifty, 332
131. An act to incorporate the Paterson Iron Company, 333
132. An act to incorporate the Newark and Clinton Plank Road Company, 336
133. An act to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren, 344
134. An act to incorporate benevolent and charitable associations, 355
135. An act to incorporate the Bloomfield Cemetery Company, in the county of Essex, 358

136. An act exempting members of independent military companies in the city of Paterson, in the county of Passaic, from jury service, 361
137. An act to annex a part of the township of West Windsor, in the county of Mercer, to the township of Princeton, in the said county, ib.
138. An act supplementary to the act entitled "A supplement to an act entitled 'An act for the preservation of sheep,'" approved April fourteenth, eighteen hundred and forty-six, 362
139. A supplement to an act entitled "An act to incorporate the city of Paterson," 363
140. A further supplement to an act entitled "An act to incorporate the Newark Orphan Asylum Association," 365
141. A further supplement to the act entitled "An act respecting executions and regulating the sale of personal estate by virtue thereof," approved April sixteenth, eighteen hundred and forty-six, 366
142. A supplement to the act entitled "An act concerning justices of the peace and courts of general quarter sessions of the peace," approved April sixteenth, eighteen hundred and forty-six, 367
143. A further supplement to the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, 368
144. An act to incorporate the Hackettstown Aqueduct Company, 369
145. A further supplement to the act entitled "An act to incorporate the Paterson Fire Association," passed November third, eighteen hundred and twenty-one, 373
146. A further supplement to the act entitled "An act for the settlement and relief of the poor," approved April the tenth, eighteen hundred and forty-six, 374
147. A supplement to the act entitled "An act for erecting the town of Fieldsborough, in the county of Burlington, into a borough," approved March seventh, eighteen hundred and fifty, 376

148. A further supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, 377
149. A further supplement to the act entitled "An act to incorporate the city of Newark, ib.
150. An act to extend the time for selling the real estate of Garrit G. Garritson, deceased, late of the county of Bergen, 378
151. An act to authorize the construction of a draw or swing bridge over Elizabethtown creek, 379
152. An act to incorporate "The Blackwoodtown Academy," 380
153. An act to incorporate the Forest Home Cemetery, 382
154. An act relative to the lunatic asylum, 383
155. An act ceding jurisdiction to the United States over lands to be occupied as sites of light houses and keepers' dwellings within this state, 384
156. An act to authorize "The Red Bank and Woodbury Turnpike or McAdamized Road Company" to extend their turnpike road through the main street of Woodbury, 385
157. An act relative to the compensation of the board of state canvassers and the electors of president and vice president, 386
158. An act to repeal an act entitled "An act to incorporate the Franklin Turnpike Company," passed March sixth, eighteen hundred and six, ib.
159. An act to incorporate the Camden and Atlantic Land Company, 387
160. An act to authorize the inhabitants of Hackensack to enclose the public green in said village, 389
161. An act to regulate the rates of ferriage at the Hoboken and Jersey City ferries, 390
162. A supplement to an act entitled "An act to authorize the owners of lands upon tide waters to build wharves in front of the same," 394
163. A supplement to the act entitled "An act to incor-

porate the New Jersey Magnetic Telegraph Company," 394
164. A supplement to the act entitled "An act to incorporate the Mullica Hill and Pittsgrove Turnpike Company," approved March fourteenth, eighteen hundred and fifty-one, 395
165. A supplement to an act entitled "An act relative to freight and transit duties on railroads in this state," approved March twenty-fourth, eighteen hundred and fifty-two, 396
166. A supplement to the act entitled "An act to incorporate the National Telegraph Company," approved March twelfth, eighteen hundred and fifty-one, 398
167. A supplement to the act entitled an "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six, ib.
168. A supplement to an act entitled "An act authorizing the incorporation of Rural Cemetery Associations," 399
169. A supplement to the act entitled "An act to prevent frauds by incorporated companies," approved April fifteenth, eighteen hundred and forty-six, ib.
170. A further supplement to the act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty. 400
171. A further supplement to the act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six, 402
172. A further supplement to the act entitled "An act to incorporate the Jersey City Gas Light Company," 403
173. A further supplement to the act entitled "An act concerning wills," ib
174. An additional supplement to the act entitled "An act to incorporate the city of Trenton," passed March twenty-seventh, eighteen hundred and thirty-seven, 404
175. An act to incorporate the "Saint Mary's Orphan Asylum," in the city of Newark, 405

176. An act for the relief of Peter Naylor, of the county of Burlington, 408
177. An act to incorporate the Bridgeton Gas Light Company, 409
178. An act to authorize so much of the records in the office of the clerk of the county of Bergen, as relate to the county of Hudson, to be transcribed and certified, 412
179. An act to authorize the trustees of the Millville School Association to convey their school house and lot of land to the trustees of school district number two, in the township of Springfield, in the county of Essex, 415
180. An act to perfect the junction of the Morris and Essex, and the New Jersey railroads, 416
181. A supplement to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company," ib.
182. An act giving the assent of the state of New Jersey to the act of the legislature of the commonwealth of Pennsylvania, entitled "An act to incorporate the Point Pleasant Delaware Bridge Company," approved the ninth day of February, eighteen hundred and fifty-three, 417
183. A supplement to an act entitled "An act to provide for the incorporation of insurance companies," approved March tenth, eighteen hundred and fifty-two, 426
184. A supplement to the act entitled "An act to authorize the establishment, and prescribe the duties of companies for manufacturing and other purposes," 427
185. An act to establish uniform fees of clerks and judges in naturalization cases, and to provide for the taxation of the same, ib.
186. An act relative to fishing in White Lake, in the county of Warren, 429
187. An act to authorize the town committee of the township of Ocean, in the county of Monmouth, to put out the road districts in said township, to be worked and repaired, to the lowest bidder, ib.

188. An act to incorporate a company to erect a water power near the village of Scotch Plains, 431
189. An act to secure to mechanics and others payment for their labor and materials in erecting any building, 437
190. A supplement to an act entitled "An act respecting annual reports to the legislature of railroad and canal companies," 445
191. Supplement to an act entitled "An act authorizing the incorporation of plank road companies," approved February twenty-sixth, eighteen hundred and fifty-two, 447
192. An act to incorporate the Almonesson and Westville Turnpike Company, 450
193. An act to aid the erection of a monument commemorative of the declaration of American independence, 459
194. An act to incorporate the Ramapo and Weehawken Plank Road Company, 461
195. An act to authorize the inhabitants of the township of Harrison, in the county of Hudson, and the inhabitants of the township of Mendham, in the county of Morris, to vote by ballot at their town meetings, 470
196. A supplement to the act entitled "An act to incorporate the Keyport and Middletown Plank Road Company," approved March fifth, one thousand eight hundred and fifty-two, 472
197. An act to defray incidental expenses, 475
198. An act to enable parties having claims against the New York and Erie Railroad Company, and others, using the Paterson and Hudson river railroad, and the Paterson and Ramapo railroad, to prosecute for such claims or damages, in the courts of this state, and to legalize the leases or contracts made by the Paterson and Ramapo Railroad Company and the Paterson and Hudson River Railroad Company to the Union Railroad Company, 480
Certificate of the New Jersey Railroad and Transportation

Company, of their acceptance of the provisions of an act entitled "An additional supplement to the act entitled 'An act to incorporate the New Jersey Railroad and Transportation Company.'" (For supplement see page 88,) 481

JOINT RESOLUTIONS.

No: Page.

1. To authorize the payment of the indebtedness of the state to the school fund, 483
2. To authorize the Belvidere Delaware Railroad Company to issue bonds, convertible into stock, 484
3. Authorizing the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Company to make a further subscription to the capital stock of the Freehold and Jamesburg Agricultural Railroad Company, ib.
4. In relation to the library, 485
5. Respecting a light house on Absecom Beach, and bell buoy outside Absecom Bar, 486
6. Relative to the construction of a breakwater at Cape May, ib.
7. For the relief of Timothy Field, of the county of Mercer, 488
8. Relative to a state prison hospital, ib.
9. Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe for a part of the capital stock of the Rocky Hill and Mount Holly and Pemberton Railroad and Transportation Companies, 489
10. Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe for part of capital stock of

the New Egypt and Hightstown Railroad Company, 489
11. To authorize the treasurer to borrow money, 490
12. Providing for lighting the court rooms in the state house with gas, 491

INDEX.

INDEX.

A.

Page.

Absecom Beach—joint resolution respecting the light house on, 486
Academy at Blackwoodtown—act to incorporate the, 380
Almonesson and Westville Turnpike Company—act to incorporate the, 450
Annual reports from railroad and canal companies—supplement to act respecting, 445
Appraisers—may be appointed by sheriff in certain counties, 366
Aqueduct Company—act to incorporate the Hackettstown, 369
Assent of the state of New Jersey to act to incorporate the Point Pleasant Delaware Bridge Company, 417
Assignments of mortgages to be recorded, 241
Asylum—act relative to lunatic, 383
Atlantic and Pleasantville Turnpike Company—act to incorporate, 261
and Cape May Railroad Company—act to incorporate, 261
and Camden Land Company—act to incorporate, 387
and Camden Railroad Company—supplement to act to incorporate, 416

B.

Banking—further supplement to authorize business of, 377
Baptist Church of Amwell—name changed to Flemington, 136

Belvidere Delaware Railroad Company—joint resolution authorizing issuing of bonds by, 484
and Flemington Railroad Company authorized to make dividends, 90
Belvidere and Water Gap Railroad Company—supplement to act to incorporate, 239
Belleville Mutual Insurance Company—supplement to act to incorporate, 115
Belleville Railroad and Transportation Company—supplement to act to incorporate, 281
Benevolent and charitable associations—act to incorporate, 355
Bergen county—supplement to act for enclosure of tract of woodland in, 320
clerk authorized to transcribe certain records of, 412
Railroad Company—act to incorporate, 179
common lands, field books and maps of, where deposited, 226
trustees of Central school district in Harrington, may convey lands in, 277
Bernards township—law requiring town elections to be by ballot repealed in, 134
Beverly and Riverton Turnpike and Bridge Company—act to incorporate, 140
Blackwoodtown Academy—act to incorporate the, 380
Black river—act to protect fish in, 252
Blind persons—further supplement to act for instruction, 139
Bloomfield—act to change time for collection of taxes in township of, 311
Cemetery Company—act to incorporate, 358
and Newark Railroad Company—supplement to act to incorporate, 176
Board of Education of Newark—act to incorporate, 31
Boonton Iron Company—act to incorporate, 85
Borough of Hightstown—act to incorporate, 312
of Fieldsborough—supplement to act creating the, 376
Bordentown Water Company—further supplement to act to incorporate, 7

Bordentown Gas Light Company—act to incorporate, 35
Bordentown Female College—act to incorporate, 71
Breakwater at Cape May—joint resolution relative to, 486
Bridge Company—act to incorporate the Point Pleasant Delaware, 417
Bridge over Rancocas creek—to authorize construction of, 253
from Matiniconk Island to Burlington, 270
over Elizabethtown creek—to authorize construction of, 379
Bridgeton Gas Light Company—act to incorporate, 409
Budd's Lake—act to protect fish in, 311
Burlington city—act for construction of bridge from Matiniconk Island to, 270

C.

Camden and Westfield Turnpike Company—supplement to act to incorporate, 208
and Woodbury Turnpike Company—further supplement to act to incorporate, 241
South Camden Railroad Company—act to incorporate, 287
and Atlantic Land Company—act to incorporate, 387
to Cape Island—to construct road from, 39
act to incorporate Fairmount Fire Company at, 103
and Moorestown Turnpike Company—supplement to act to incorporate, 114
supplement to act to incorporate South Camden Ferry Company, 176
further supplement to act to incorporate city of, 400
and Atlantic Railroad Company—supplement to act to incorporate, 416
Canal and railroad companies—supplement to act relative to annual reports by, 445
Canvassers—board of state, act relative to pay of, 386
Cape May and Atlantic Railroad Company—act to incorporate the, 261

Cape Island Gas Company—act to incorporate, 67
Cape May—joint resolution relative to breakwater at, 486
Car Manufacturing Company at Paterson—act to incorporate, 64
Carter John—supplement to act for relief of, 61
Cattle—act to restrain from running at large in townships of Hackensack and Harrington, 137
Cedar Grove—act for relief of Methodist Episcopal Church at, 150
Cemetery Company of Bloomfield—act to incorporate, 358
act to incorporate the Forest Home, 382
Cemetery associations—supplement to act for incorporation of rural, 399
Central School District in Harrington—trustees authorized to convey land, 277
Certificate of acceptance of New Jersey Railroad and Transportation Company, 481
Charitable and benevolent associations—act to incorporate, 355
Chester township, Morris county—part of Washington township annexed to, 152
Chingarora Hall Association at Keyport—act to incorporate, 74
Church of St. Andrew's, at Mount Holly—act for relief of minister, &c., of, 179
act to change the name of First Independent Presbyterian, 225
Methodist Episcopal at Tom's River, trustees authorized to sell, 254
at Colt's Neck—act authorizing sale of, 113
Presbyterian at Lambertville—authorized to extend edifice, 121
Methodist Episcopal at Cedar Grove—act for relief of, 150
Methodist Episcopal at Vincentown—sale of authorized, 159
City of Jersey City—supplement to act to incorporate, 255
of Newark—supplement to act to incorporate, ib.
Clams and oysters—further supplement to act concerning, [relating to Cape May county,] 139

Clerk of township—may administer oath to officers at town meeting, 287
Clinton and Newark Plank Road Company—act to incorporate, 336
College—act to incorporate Bordentown Female, 71
Colt's Neck—free church at authorized to be sold, 113
Commissioners of deeds for other states—further supplement to act relative to, 240
act authorizing ambassadors, &c., to act as, 398
Contracts of real estate made by testators &c.—supplement to act concerning, 283
Copper and Zinc Mining Company—supplement to act incorporating the New Jersey, 279
Coryell Emanuel, dec'd—lands of, bequeathed for burial ground, authorized to be occupied by church edifice, 121
Courts of law—supplement to act to regulate practice of, 243
further supplement to act to regulate practice of, 402
Court of errors and appeals—further supplement to act relative to, 261
Courts—act relative to supreme and circuit, 285
Court of pardons—act relative to, 4
Court rooms in state house to be lighted with gas, 491
County clerks and judges—fees of, in naturalization cases, 427
Cross Keys and Woodbury Turnpike Company—act to incorporate, 76

D.

Death penalty—commutation of, by court of pardons, 4
Debtors imprisoned—act for discharge of, on second application, 21
Declaration of Independence—act to aid the erection of monument commemorative of, 459
Deeds—commissioners of, for other states, further supplement to act relative to, 240
Deeds and other papers acknowledged by A. M. Elmer—act to confirm, 275

Deer and other game—supplement to act for preservation of, 243
Delaware and Raritan Canal Company, &c., authorized to subscribe to stock of Freehold and Jamesburg Railroad Company, 484
authorized to subscribe to stock of Rocky Hill, Mount Holly and Pemberton Railroad Companies, 489
authorized to subscribe to stock of New Egypt and Hightstown Railroad, ib.
Docks, wharves, &c.—supplement to act concerning, 394
Drunkards—act relative to habitual, 237
Education, Board of, at Newark—act to incorporate, 31
Electors of president and vice president—act fixing compensation of, 386
Elizabeth—act changing time for collection of taxes in township of, 33
Elizabethtown Gas Light Company—act to incorporate, 307
creek—act to authorize construction of bridges over, 379
Elmer A. M.—act to confirm acknowledgment of deeds taken by, 275
Errors and appeals—supplement to act relative to court of, 261
Essex county—township of Bloomfield, to change time for collection of taxes in, 311
Executions—supplement to act respecting, (sheriff may appoint appraisers in certain counties,) 366

F.

Fairmount Fire Company at Camden—act to incorporate, 103
Ferries—act regulating Jersey City and Hoboken, 390
Ferry Company—South Camden, supplement to act to incorporate, 175
act to incorporate the Perth Amboy, 219
Fees—supplement to act to regulate, 226
Field books and maps of Bergen common lands—where deposited, 226
Field Timothy—act for relief of, 488

Fieldsborough—supplement to act erecting borough of, 376
Fire Association at Paterson—supplement to act incorporating, 373
Fire Assurance Association—supplement to act incorporating Hillsborough, 116
Firemen of Jersey City—exempted from military duty, &c., 8
Fishing in White lake, Warren county—act relative to, 429
Fish in Black and Rockaway rivers and Stanhope reservoir—act to protect, 252
in Budd's lake—act to protect, 311
Flemington and Belvidere Delaware Railroad Companies—authorized to make dividends, 90
name of Baptist church in Amwell changed to, 136
Florence and Freehold Plank Road Company—supplement to act to incorporate, 163
Forest Home Cemetery Company—act to incorporate, 382
Franklinite Company, of New Jersey—act to change name to, 6
Franklin township, Bergen county—supplement to sheep law extended to, 368
Turnpike Company—repeal of act to incorporate the, 386
Frauds by incorporated companies—supplement to act to prevent, 399
Freehold and Howell Plank Road Company—act to incorporate the, 211
and Jamesburg Railroad Company—supplement to act to incorporate, 239
Freight and transit duties—supplement to act relating to, 396
Frelinghuysen township—exempted from operation of supplement to sheep law, 361

G.

Gaming—supplement to act to prevent, 326
Garritson, Garrit G.—act to extend time for selling real estate of, 378

Gas Light Company at Mount Holly—act to incorporate, 9
at Bordentown—act to incorporate, 35
at Cape Island city—act to incorporate, 67
at Rahway—act to incorporate, 131
at Somerville—act to incorporate, 271
at Elizabethtown—act to incorporate, 307
at Jersey City—further supplement to act to incorporate, 403
at Bridgeton—act to incorporate, 409
Glass Manufacturing Company—act to incorporate the West Jersey, 222
Gloucester county—act requiring town elections in Woolwich township, to be by ballot, repealed, 332
act creating township of Mantua, in, 153
Green township, in Sussex county—territory added to, 52

H.

Habitual drunkards—act relative to, 237
Hackensack and Harrington—act to prevent cattle, &c., from running at large in the townships of, 137
and Hoboken—further supplement to act establishing turnpike road between, 137
Plank Road Company—act to incorporate the, 228
inhabitants of township of, authorized to enclose the public green, 389
Hackettstown—act to incorporate town of, 344
Aqueduct Company—act to incorporate the, 369
Hainesport, Lumberton and Vincentown Turnpike Company—act to incorporate, 295
Hamburg and Paterson Turnpike Company—act to repeal part of charter of, 63
Harrison township—inhabitants authorized to vote by ballot in, 470
Harrington Central School District—trustees authorized to convey land, 277
Hightstown and New Egypt Railroad—act to incorporate, 122

Hightstown—act to incorporate borough of, 312
Hillsborough Insurance Company—supplement to act to incorporate, 116
Hill Sarah Ann—act to confirm will of, 135
Hoboken and Jersey City ferries—act to regulate the, 390
township—further supplement to act to establish, 116
Hohokus township—supplement to sheep law extended to, 368
Hope township—authorized to vote by ballot at town meetings, 49
Horses, cattle—restrained from running at large in certain woodland in Bergen county, 320
Hospital at state prison—joint resolution relative to, 488
Hotel Company—act to incorporate the Mount Vernon, 17
Hotel and Arcade Company at Mount Holly—act to incorporate, 245
Howell and Freehold Plank Road Company—act to incorporate the, 211
Hudson county—clerk of Bergen to transcribe records relating to, 412

I.

Imprisonment on civil process—supplement to act respecting, 21
Incorporations—Mount Holly Gas Light Company, 9
Matiniconk Island Land Association, 14
the Mount Vernon Hotel Company, 17
Pleasantville and Atlantic Turnpike Company, 22
Board of Education at Newark, 31
Bordentown Gas Light Company, 35
the West Jersey Railroad Company, 39
the Paterson Car Manufacturing Company, 64
Cape Island Gas Company, 67
Bordentown Female College, 71
Chingarora Hall Association, 74
Woodbury and Cross Keys Turnpike Company, 76
Boonton Iron Company, 85

Incorporations—New Egypt and Newtown Railroad Company, 93
Fairmount Fire Company, at Camden, 103
Rocky Hill Railroad and Transportation Company, 104
New Egypt and Hightstown Railroad Company, 122
the Rahway Gas Light Company, 131
Beverly and Riverton Turnpike and Bridge Company, 140
the Walkill Manufacturing Company, 156
the Bergen County Railroad Company, 179
the Newark and Springfield Railroad Company, 189
the Mount Holly and Jobstown Turnpike Company, 199
the Freehold and Howell Plank Road Company, 211
the Perth Amboy Ferry Company, 219
the West Jersey Glass Manufacturing Company, 222
the Hackensack Plank Road Company, 228
the Mount Holly Hotel and Arcade Company, 245
the Mount Holly Telegraph Company, 247
the Atlantic and Cape May Railroad Company, 261
the Somerville Gas Light Company, 271
the Millstone and New Brunswick Railroad Company, 276
the South Camden Railroad Company, 287
the Hainesport, Lumberton and Vincentown Turnpike Company, 295
Telegraph companies, 304
the Elizabethtown Gas Light Company, 307
the borough of Hightstown, 312
the Paterson Iron Company, 333
the Newark and Clinton Plank Road Company, 336
the town of Hackettstown, 344
Benevolent and charitable associations, 355
the Bloomfield Cemetery Company, 358

Incorporations—the Hackettstown Aqueduct Company, 369
the Blackwoodtown Academy, 380
the Forest Home Cemetery Company, 382
the Camden and Atlantic Land Company, 387
Saint Mary's Orphan Asylum at Newark, 405
the Bridgeton Gas Light Company, 409
the Point Pleasant Delaware Bridge Company, 417
the Scotch Plains Water Power Company, 431
the Almonesson and Westville Turnpike Company, 450
the Ramapo and Weehawken Plank Road Company, 461
Incorporated companies—supplement to act to prevent frauds by, 399
Incidental expenses—act to defray, 475
Indebtedness of state to school fund—joint resolution authorizing payment of, 483
Instruction of blind persons—further supplement to act concerning, 139
Insurance companies—supplement to act to incorporate, 426
Insurance Company—supplement to act incorporating the Belleville Mutual, 115
supplement to act incorporating the Hillsborough Mutual Fire, 116
Iron Company at Boonton—act to incorporate the, 85
further supplement to act to incorporate the Sussex, 165
act to incorporate the Paterson, 333

J.

Jamesburgh and Freehold Railroad Company—supplement to act to incorporate, 239
Jersey City—amendment to act authorizing construction of tanks to supply water to city of, 3
act to exempt from jury and militia duty, the firemen of, 8
Provident Savings Institution—supplement to act to incorporate, 178

Jersey City—supplement to act to incorporate city of, 255
water scrip—may be deposited as security for bank notes, 377
and Hoboken ferries—act to regulate, 390
Gas Light Company—further supplement to act to incorporate the, 403
Jersey Little Falls Manufacturing Company—act to incorporate the, 120
Jobstown and Mount Holly Turnpike Company—act to incorporate, 199
Joint resolution to authorize payment of indebtedness of state to school fund, 483
to provide for lighting the court rooms in state house with gas, 491
to authorize the treasurer to borrow money, 490
to authorize the Delaware and Raritan Canal &c., to subscribe for stock of New Egypt and Hightstown Railroad Company, 489
to authorize Delaware and Raritan Canal Company &c., to subscribe for stock of Rocky Hill, Mount Holly and Pemberton Railroad Companies, ib.
relative to state prison hospital, 488
for relief of Timothy Field, ib.
relative to construction of Breakwater at Cape May, 286
respecting light house on Absecom Beach, ib.
in relation to the library, 485
authorizing Delaware and Raritan Canal Company, &c., to make further subscription to stock of Freehold and Jamesburg Railroad Company, 484
to authorize the Belvidere Delaware Railroad Company to issue bonds, ib.
Judges of supreme and circuit courts may appoint special terms, 285
Jury service—members of military companies at Paterson exempt from, 361
Justices of the peace—supplement to act concerning, 367

K.

Keyport—act to incorporate Chingarora Hall Association at, 74
and Middletown Plank Road Company—supplement to act to incorporate, 472
Knowlton township—act to authorize voting by ballot at town meetings in, 49

L.

Lambertville—Union Presbyterian Church authorized to extend church edifice at, 121
Land Association—act to incorporate Matiniconk Island, 14
Lands—supplement to act for partition of, 34
Land Company—act to incorporate the Camden and Atlantic, 387
Lands—further supplement to act for partition of, 280
Law—supplement to act to regulate practice of, 243
further supplement to regulate practice of, 402
Library—joint resolution in relation to, 485
Lien law—securing payment to mechanics and others for labor and materials, &c., 437
Light houses—jurisdiction ceded to United States over lands necessary for, 384
Light house on Absecom Beach—joint resolution respecting, 486
Little Falls Manufacturing Company—supplement to act to incorporate, 120
Lumberton, Hainesport and Vincentown Turnpike Company—act to incorporate, 295
Lunatic asylum—act relative to, 383

M.

Magnetic Telegraph Company—supplement to act to incorporate the New Jersey, 394
Mantua township—act to create, 153

Manufacturing Company at Schooley's Mountain—supplement to act to incorporate, 62
act to incorporate the Paterson Car, 64
Manufacturing Company—supplement to act to incorporate the Jersey Little Falls, 120
act to incorporate the Walkill, 156
act to incorporate the West Jersey Glass, 222
Manufacturing companies—supplement to act to establish, 427
Mansfield township—act relative to election of overseers of the road in, 209
Matiniconk Island Land Association—act to incorporate, 14
act authorizing construction of bridges at, 270
Mechanics and others—act to secure payment for labor, &c., to, 437
Mendham township—inhabitants of, authorized to vote by ballot, 470
Mercer county—part of West Windsor township annexed to Princeton, 361
Methodist Episcopal Church, at Cedar Grove—act for relief of, 150
at Vincentown—act authorizing sale of, 159
at Tom's River—trustees authorized to sell, 254
Military companies at Paterson—act to exempt from jury service members of, 361
Millstone and New Brunswick Railroad Company—act to revive, 276
Millville School Association—trustees authorized to convey school house of, 415
Mining Company—supplement to act to incorporate the Mount Hope, 18
supplement to act to incorporate the New Jersey Zinc and Copper, 279
Monmouth county—Free Church at Colt's Neck authorized to be sold, 113
Monmouth county Plank Road Company—further supplement to act to incorporate, 164
road districts in Ocean township may be worked by contract, 429
Monument commemorative of declaration of independence, act to aid erection of, 459

Moorestown and Camden Turnpike Company—supplement to act to incorporate, 114
Mortgages—supplement to act for registry of, 241
Morris and Essex railroad—act to perfect junction of New Jersey railroad with, 416
Mount Holly Gas Light Company—act to incorporate the, 9
Mount Vernon Hotel Company—act to incorporate the, 17
Mount Hope Mining Company—supplement to act to incorporate the, 18
Mount Holly and Vincentown Turnpike Company, supplement to act to incorporate the, 161
act for the relief of ministers, &c., of Saint Andrew's church at, 179
and Jobstown Turnpike Company, act to incorporate the, 199
and Pemberton Turnpike Company, supplement to an act to incorporate the, 210
and Moorestown Turnpike Company, supplement to act to incorporate the, 221
Hotel and Arcade Company, act to incorporate the, 245
Telegraph Company, act to incorporate the 247
and Pemberton Railroad Company, supplement to act to incorporate the, 284
Mullica Hill and Woodbury Turnpike Company, supplement to act to incorporate the, 156
and Pole Tavern Turnpike Company, supplement to act to incorporate the, 174
and Pittsgrove Turnpike Company, supplement to act to incorporate the, 395

N.

National Telegraph Company, supplement to act to incorporate the, 398
Naturalization—fees allowed to county clerks and judges in cases of, 427
Naylor Peter—act for relief of, 408

New Barbadoes township—act to authorize voting by ballot in, 49
New York and Erie Railroad Company, act to enable parties to prosecute claims against, 480
New York and Paterson Plank Road Company, supplement to act to incorporate the, 160
New Jersey Railroad and Transportation Company, certificate of acceptance of, 481
additional supplement to act to incorporate, 89
New Jersey Zinc and Copper Mining and Manufacturing Company, supplement to act to incorporate, 279
Railroad, to perfect junction of Morris and Essex railroad with, 416
Newark—act to incorporate Board of Education of, 31
supplement to act to incorporate city of, 255
and Bloomfield Railroad Company, supplement to act to incorporate the, 176
and Springfield Railroad Company, act to incorporate, 189
act authorizing conveyance of certain lands occupied for school houses in city of, 227
and Clinton Plank Road Company, act to incorporate, 336
Orphan Asylum, supplement to act to incorporate, 365
city bonds may be deposited as security for bank notes, 377
supplement to act to incorporate the city of, ib.
act to incorporate Saint Mary's Orphan Asylum at, 405
Newton—act to set off part of township of, 52
New Egypt and Newtown Railroad Company, act to incorporate, 93
and Hightstown Railroad Company, act to incorporate, 122
New Brunswick and Millstone Railroad, act to revive, 276
North Bergen township, further supplement to act to divide, 116

O.

Ocean county—supplement to act respecting prosecutors of the pleas in, 242
township—road districts therein may be worked by contract, 429
Orphan Asylum—supplement to act to incorporate the Newark, 365
act to incorporate Saint Mary's, in Newark, 405
Overseers of roads in Mansfield, Warren county—election of, 209
Oysters and clams—further supplement to act for preservation of, 139

P.

Pardons—act relative to court of, 4
Partition of lands—further supplement to act authorizing, 280
supplement to act authorizing, 34
Passaic county—act to regulate fees of the crier of courts in, 286
Paterson and Hamburg Turnpike Company—to repeal part of charter of, 63
Car Manufactory—act to incorporate, 64
and New York Plank Road Company—supplement to act to incorporate, 160
Iron Company—act to incorporate, 333
members of military companies at, exempt from jury service, 361
city of, two freeholders and one assessor to be chosen in each ward, 119
Princeton—act to prevent gaming in, 326
township—part of West Windsor annexed to, 361
Paterson—supplement to act to incorporate city of, 363
Pemberton and Mount Holly Turnpike Company—supplement to act to incorporate, 210
Railroad—supplement to act to incorporate, 284
Pensions—to John Carter—supplement to act granting, 61
to Peter Naylor—act granting, 408
Perth Amboy—act to regulate streets in, 166

Perth Amboy Ferry Company—act to incorporate, 219
Pittsgrove and Mullica Hill Turnpike Company—supplement to act to incorporate, 395
Plank Road Company—supplement to act to incorporate Paterson and New York, 160
to incorporate the Zinc Mines, 162
to incorporate the Florence and Freehold, 163
to incorporate the Monmouth county, 164
to incorporate the Freehold and Howell, 211
to incorporate the Hackensack, 228
to incorporate the Newark and Clinton, 336
act to incorporate the Ramapo and Weehawken, 461
supplement to act to incorporate the Keyport and Middletown, 472
Plank road companies—supplement to act for the incorporation of, 447
Pleasantville and Atlantic Turnpike Company—act to incorporate, 22
Pole Tavern and Mullica Hill Turnpike Company—supplement to act to incorporate, 174
Poor—further supplement to act for settlement and relief of, 374
Practice of law—supplement to act to regulate, 243
Presbyterian church of Lambertville and Georgetown authorized to extend church edifice, 121
at Paterson—act to change name of First Independent, 225
Private acts—further supplement to act to incorporate Sussex Zinc and Copper Mining—changing name to Franklinite, &c., 6
further supplement to act to incorporate Bordentown Water Company, 7
to incorporate Mount Holly Gas Light Company, 9
to incorporate the Mount Vernon Hotel Company, 17
supplement to act incorporating the Mount Hope Mining Company, 18
supplement to act incorporating the Sussex and Warren Railroad Company, 20
to incorporate the Pleasantville and Atlantic Turnpike Company, 22
to incorporate Bordentown Gas Light Company, 35

Private acts—to incorporate the West Jersey Railroad Company, 39
supplement to the act incorporating the Red Bank Steamboat Company, 59
supplement to act incorporating the Washington Turnpike Company, 60
for the relief of John Carter, 61
supplement to act for incorporation of Schooley's Mountain Manufacturing Company, 62
to repeal part of the charter of the Paterson and Hamburg Turnpike Company, 63
to incorporate the Paterson Car Manufacturing Company, 64
to incorporate the Cape Island Gas Company, 67
to incorporate the Bordentown Female College, 71
to incorporate the Chingarora Hall Association, 74
to incorporate the Woodbury and Cross Keys Turnpike Company, 76
to incorporate the Boonton Iron Company, 85
to incorporate the Fairmount Fire Company at Camden, 103
to incorporate the Rocky Hill Railroad Company, 104
supplement to act incorporating the Moorestown and Camden Turnpike Company, 114
supplement to act to incorporate the Belleville Mutual Insurance Company, 115
supplement to act incorporating the Hillsborough Insurance Company, 116
supplement to act incorporating the Jersey Little Falls Manufacturing Company, 120
to authorize Presbyterian Church at Lambertville to extend their church edifice, &c., 121
to incorporate the New Egypt and Hightstown Railroad Company, 122
to incorporate the Rahway Gas Light Company, 131
to confirm will of Sarah Ann Hill, 135
to change the name of the Baptist Church at Amwell, &c., 136
further supplement to act for establishing a turnpike road from Hackensack to Hoboken, 137

Private acts—to incorporate Beverly and Riverton Turnpike Company, 140
for relief of Methodist Episcopal Church at Cedar Grove, 150
supplement to act to incorporate Mullica Hill and Woodbury Turnpike Company, 156
to incorporate the Wallkill Manufacturing Company, ib.
to authorize the sale of the Methodist Episcopal Church at Vincentown, 159
supplement to the act incorporating the Paterson and New York Plank Road Company, 160
supplement to the act incorporating the Vincentown and Mount Holly Turnpike Company, 161
supplement to the act incorporating the Zinc Mines Plank Road Company, 162
supplement to the act incorporating the Florence and Freehold Plank or Turnpike Company, 163
further supplement to the act incorporating the Monmouth County Plank Road Company, 164
further supplement to the act incorporating the Sussex Iron Company, 165
supplement to act incorporating the Mullica Hill and Pole Tavern Turnpike Company, 174
supplement to act incorporating the South Camden Ferry Company, 175
supplement to act incorporating the Newark and Bloomfield Railroad Company, 176
supplement to act incorporating Provident Institution for Savings at Jersey City, 178
for relief of ministers, &c., of Saint Andrew's Church at Mount Holly, 179
to incorporate the Bergen County Railroad Company, ib.
to incorporate the Newark and Springfield Railroad Company, 189
to incorporate the Mount Holly and Jobstown Turnpike Company, 199
supplementary to act incorporating the Westfield and Camden Turnpike Company, 208

Private acts—supplementary to act incorporating the Mount Holly and Pemberton Turnpike Company, 210
to incorporate the Freehold and Howell Plank Road Company, 211
to incorporate the Perth Amboy Ferry Company, 219
supplementary to act incorporating the Mount Holly and Moorestown Turnpike Company, 221
to incorporate the West Jersey Glass Manufacturing Company, 222
to change the name of the First Independent Presbyterian Chnrch at Paterson, &c., 225
to incorporate the Hackensack Plank Road Company, 228
supplement to act incorporating the Belvidere Water Gap Railroad Company, 239
supplement to the act incorporating the Freehold and Jamesburg Railroad Company, ib.
supplement to act incorporating the Woodbury and Camden Turnpike Company, 241
to incorporate the Mount Holly Hotel and Arcade Company, 245
to incorporate the Mount Holly Telegraph Company, 247
to authorize sale of Methodist Episcopal church at Tom's River, 254
to incorporate the Cape May and Atlantic Railroad Company, 261
to authorize Matiniconk Island Land Association to build a bridge, 270
to incorporate the Somerville Gas Light Company, 271
to revive act incorporating Millstone and New Brunswick Railroad Company, 276
supplement to the act to incorporate the New Jersey Zinc and Copper Mining and Manufacturing Company, 279
further supplement to act incorporating the Belleville Railroad Company, 281
supplement to act incorporating the Mount Holly and Pemberton Railroad, &c., Company, 284

Private acts—to incorporate South Camden Railroad Company, 287
to incorporate the Hainesport, Lumberton, and Vincentown Turnpike Company, 295
to incorporate the Elizabethtown Gas Light Company, 307
to incorporate the Paterson Iron Company, 333
to incorporate the Newark and Clinton Plank Road Company, 336
to incorporate the Bloomfield Cemetery Company, 358
further supplement to the act incorporating the Newark Orphan Asylum, 365
to incorporate the Hackettstown Aqueduct Company, 369
relative to the sale of real estate of Garrit G. Garritson dec'd, 378
to incorporate the Blackwoodtown Academy, 380
to incorporate the Forest Home Cemetery Company, 382
to authorize Red Bank and Woodbury Turnpike or McAdamized Road Company, to extend their road, 385
to repeal an act incorporating Franklin Turnpike Company, 386
to incorporate the Camden and Atlantic Land Company, 387
supplement to act to incorporate New Jersey Magnetic Telegraph Company, 394
to act to incorporate the Mullica Hill and Pittsgrove Turnpike Company, 395
to act to incorporate the National Telegraph Company, 398
further supplement to act to incorporate the Jersey City Gas Light Company, 403
to incorporate Saint Mary's Orphan Asylum in the city of Newark, 405
for relief of Peter Naylor of the county of Burlington, 408
to incorporate the Bridgeton Gas Light Company, 409

Private acts—to perfect junction of Morris and Essex and New Jersey Railroads, 416
supplement to act to incorporate the Camden and Atlantic Railroad Company, 417
to incorporate a company to erect a water power near Scotch Plains, 431
to incorporate the Almonesson and Westville Turnpike Company, 450
to incorporate the Ramapo and Weehawken Plank Road Company, 461
Joint Resolutions—to authorize Belvidere Delaware Railroad to issue bonds, 484
for relief of Timothy Field, 488
Public acts—to amend act concerning erection of water works by the city of Jersey City, 3
relative to the court of pardons, 4
concerning firemen of Jersey City, exempting from jury and militia duty, 8
to incorporate Burlington or Matiniconk Island Land Association, 14
supplement to act for relief of persons imprisoned on civil process, 21
to incorporate Board of Education of city of Newark, 31
to change the time for collection of taxes in Elizabeth township, 33
supplement to act for more easy partition of lands among co-parceners, &c., 34
to provide for safety of travel on turnpike roads, 39
to authorize town meetings in Hope and Knowlton townships, Warren county, and in New Barbadoes township, Bergen county, to be by ballot, 49
to set off part of Newton township to the township of Greene, in the county of Sussex, 52
further supplement to the act incorporating the Sussex Mine Railroad Company, 53
an additional supplement to the act to incorporate the New Jersey Railroad and Transportation Company, 88

Public acts—to authorize the directors of the Belvidere Delaware Railroad and the Flemington Railroad Companies to declare dividends, 90
to erect a new township in Hunterdon county, to be called the township of Union, 91
to incorporate the New Egypt and Newtown Railroad Company, 93
to authorize the free church at Colt's Neck, Monmouth county, to be disposed of, 113
further supplement to act for the erection of the township of Hoboken, in the county of Hudson, 116
supplement to act incorporating inhabitants of townships, &c., (relating to the city of Paterson,) 119
to repeal the law requiring town elections in Bernards township, Somerset county, to be by ballot, 134
to extend provisions of an act restraining horses, &c., from running at large, to the township of New Barbadoes, 137
further supplement to act for preservation of clams and oysters, 139
further supplement to act for instruction of blind persons, ib.
to set off part of Washington township, and annex the same to Chester township, in Morris county, 152
to erect a new township in Gloucester county, to be called Mantua, 153
to regulate streets and highways in the city of Perth Amboy, 166
relative to the election of overseers of highways in the township of Mansfield, Warren county, 209
relative to field books and maps of common lands in Bergen township, 226
to authorize the conveyance of certain real estate in the city of Newark, 227
relative to habitual drunkards, 237
supplement to the act relating to the appointment of commissioners of deeds in other states, 240

Public acts—supplement to the act relating to the registry of mortgages, 241
supplement to the act relating to prosecutors of the pleas, 242
supplement to the act for the preservation of deer, &c., 243
supplement to the act relating to the practice of courts, &c., ib.
to protect the fish in Black and Rockaway rivers, and in the reservoir at Stanhope, 252
to authorize a draw or swing bridge over Rannocas creek, 253
supplement to act to incorporate Jersey City, 255
further supplement to act to incorporate the city of Newark, ib.
further supplement to act relative to court of errors, &c., 261
to confirm acknowledgments taken by A. M. Elmer, 275
to authorize trustees of "The Central School of Harrington," to convey land, 277
supplement to the act to authorize the partition of lands, where particular undivided shares therein are limited over, 280
supplement to act concerning contracts of real estate made by testators, &c., 283
supplement to act relating to the supreme and circuit courts, 285
supplement to the act to regulate fees, 286
further supplement to the act incorporating inhabitants of townships, &c., 287
to incorporate telegraph companies, 304
to protect fish in Budd's lake, 311
to change the time for collecting taxes in Bloomfield township, ib.
to incorporate the borough of Hightstown, 312
further supplement to act authorizing owners of a tract of woodland therein named, to prevent horses, &c., from running at large therein, 320
supplement to act to prevent gaming, 326

Public acts—supplement to an act concerning taxes, 326
repealing act to authorize town meetings in Woolwich township, Gloucester county, to be by ballot, 332
to incorporate the town of Hackettstown, 344
to incorporate benevolent and charitable associations, 355
exempting members of military companies in Paterson from jury service, 361
to annex part of township of West Windsor, Mercer county, to the township of Princeton, ib.
supplementary to the act for the preservation of sheep, 362
supplementary to the act for the incorporation of the city of Paterson, 363
further supplement to act respecting executions and the sale of personal estate, 366
supplement to act concerning justices of the peace and courts of quarter sessions, 367
further supplement to act for preservation of sheep, 368
further supplement to act incorporating the Paterson Fire Association, 373
further supplement to act for the settlement and relief of the poor, 374
supplement to act incorporating the borough of Fieldsborough, 376
further supplement to act to authorize the business of banking, 377
further supplement to act incorporating the city of Newark, ib.
to authorize the construction of a draw bridge over the Elizabethtown creek, 379
relative to the lunatic asylum, 383
ceding jurisdiction to the United States over lands for construction of light houses, 384
relative to the compensation of the board of state canvassers and electors of president and vice president, 386
to authorize inhabitants of Hackensack to enclose public green, 389

Public acts—to regulate rates of ferriage at the Hoboken and Jersey City ferries, 390
supplement to authorize owners of lands on tide waters to build wharves in front of the same, 394
supplement to act relative to freight and transit duties on railroads in this state, 396
supplement to act relative to commissioners for taking the acknowledgment and proof of deeds, 398
supplement to act authorizing the incorporation of rural cemetery associations, 399
supplement to act to prevent frauds by incorporated companies, ib.
further supplement to act to incorporate the city of Camden, 400
further supplement to act to regulate the practice of law, 402
further supplement to act concerning wills, 403
additional supplement to act to incorporate the city of Trenton, 404
to authorize part of the records of Bergen county to be transcribed, 412
to authorize trustees of the Millville School Association to convey school house and land, 415
giving the assent of the state of New Jersey to act to incorporate the Point Pleasant Delaware Bridge Company, 417
supplement to act to provide for incorporation of insurance companies, 426
supplement to act to authorize the establishment and to prescribe the duties of manufacturing companies, 427
to establish uniform fees of clerks and judges in naturalization cases, ib.
relative to fishing in White lake, in the county of Warren, 429
to authorize town committee of the township of Ocean, to put out the road districts to be worked and repaired, ib.
to secure to mechanics and others payment for labor and materials, 437

Public acts—supplement to act respecting annual reports to the legislature of railroad and canal companies, 445
supplement to act authorizing the formation of plank road companies, 447
to aid the erection of a monument commemorative of the declaration of American independence, 459
to authorize the inhabitants of the townships of Harrison and Mendham to vote by ballot, 470
to defray incidental expenses, 475
to enable parties having claims against the New York and Erie Railroad Company to prosecute the same, 480
Joint resolutions—to authorize payment of indebtedness of state to school fund, 483
to authorize subscription to stock of Freehold and Jamesburg Railroad by Camden and Amboy Railroad, &c., 484
relative to the library, 485
respecting light house on Absecom Beach, 486
relative to breakwater at Cape May, ib.
relative to state prison hospital, 488
to authorize subscription to stock of Rocky Hill, and Mount Holly and Pemberton Railroad by Camden and Amboy Railroad Company, &c., 489
to authorize subscription to stock of New Eypt and Hightstown Railroad Company, by Camden and Amboy Railroad Company, &c., ib.
to authorize the treasurer to borrow money, 490
to provide for lighting the court rooms in state house with gas, 491

R.

Rahway Gas Light Company—act to incorporate, 131
Railroad Company—supplement to act to incorporate Sussex and Warren, 20
act to incorporate the West Jersey, 39
supplement to act to incorporate the Sussex Mine, 53

Railroad Company—additional supplement to act to incorporate the New Jersey, 89
Belvidere, Delaware and Flemington authorized to make dividends, 90
act to incorporate New Egypt and Newtown, 93
act to incorporate Rocky Hill, 104
act to incorporate New Egypt and Hightstown, 122
act to change name of Zinc Mines Plank Road to Zinc Mines Railroad Company, 162
supplement to act to incorporate Newark and Bloomfield, 176
act to incorporate the Bergen County, 179
act to incorporate the Newark and Springfield, 189
supplement to act to incorporate Belvidere and Water Gap, 239
supplement to act to incorporate Freehold and Jamesburg, ib.
act to incorporate the Atlantic and Cape May, 261
to revive act to incorporate the Millstone and New Brunswick, 276
supplement to act to incorporate the Belleville, 281
supplement to act to incorporate the Mount Holly and Pemberton, 284
act to incorporate the South Camden, 287
act to perfect junction between the Morris and Essex and the New Jersey, 416
supplement to act to incorporate the Camden and Atlantic, ib.
act to enable parties having claims against the New York and Erie, to prosecute the same, 480
certificate of acceptance of the New Jersey, 481
joint resolution authorizing Belvidere Delaware Railroad to issue bonds, 484
joint resolution authorizing Delaware and Raritan Canal Company to subscribe for stock of Freehold and Jamesburg, ib.
joint resolution authorizing the Delaware and Raritan Canal Company to subscribe for stock of Rocky Hill, Mount Holly and Pemberton, 489

Railroad Company—joint resolution authorizing Delaware and Raritan Canal Company to subscribe for stock of New Egypt and Hightstown, 489
Railroad and canal companies—supplement to act respecting annual reports by, 445
Ramapo and Weehawken Railroad Company—act to incorporate, 461
Rancocas Creek—act to authorize draw or swing bridge over, 253
Real estate—act concerning contracts of, by testators, 283
Records relating to Hudson county, to be transcribed by clerk of Bergen county, 412
Red Bank Steamboat Company—supplement to act to incorporate, 59
and Woodbury Turnpike Company, authorized to extend road through Main street of Woodbury, 385
Registry of mortgages—supplement to act to authorize, 241
Religious societies—act to authorize sale of Free Church at Colt's Neck, 113
act to authorize Union Presbyterian Church of Lambertville and Georgetown to extend church edifice, 121
act changing name of Baptist Church at Amwell, 136
act for relief of Methodist Episcopal Church at Cedar Grove, 150
act authorizing sale of Methodist Episcopal Church at Vincentown, 159
act for relief of ministers, &c., of St. Andrew's Church at Mount Holly, 179
act to change name of First Independent Presbyterian Church at Paterson, 225
act authorizing trustees of Methodist Episcopal Church to sell the same, 254
Riverton and Beverly Turnpike and Bridge Company—act to incorporate, 140
Roads in Mansfield township—act relative to election of overseers of, 209
Road districts in Ocean township—may be worked by contract, 429

Rocky Hill Railroad and Transportation Company—act to incorporate, 104
Rockaway river—act to protect fish in, 252
Rural cemetery associations—supplement to act for incorporation of, 399

S.

Saint Mary's Orphan Asylum of Newark—act to incorporate, 405
Savings institution—supplement to act to incorporate the Provident, 178
School houses in Newark—act to authorize conveyance of lands occupied by, 227
district—Central, of Harrington, act authorizing conveyance of certain lands, 277
Association of Millville—authorized to convey lot, 415
Schooley's Mountain Manufacturing Company—supplement to act to incorporate, 62
Scotch Plains—act to incorporate Water Power Company at, 431
Sheep—supplement to act for preservation of, 362
further supplement to act for preservation of, 368
Somerville Gas Light Company—act to incorporate, 271
South Camden Railroad Company—act to incorporate, 287
Springfield and Newark Railroad Company—act to incorporate, 189
Stanhope reservoir—act to protect fish in, 252
State canvassers—act regulating pay of, 386
prison hospital—joint resolution relative to, 488
Steamboat Company—supplement to act to incorporate the Red Bank, 59
Streets in Perth Amboy—act to regulate the paving of, 166
Supplements—to act authorizing construction of water works at Jersey City, 3
to act to incorporate Sussex Zinc, &c., 6
to act to incorporate Bordentown Water Company, 7

Supplements—to act to incorporate Mount Hope Mining Company, 18
to act to incorporate Sussex and Warren Railroad Company, 20
to act for relief of persons imprisoned on civil process, 21
to act relative to the partition of lands among co-parceners, &c., 34
to act to incorporate Sussex Mine Railroad Company, 53
to act to incorporate Red Bank Steamboat Company, 59
to act to incorporate Washington Turnpike Company, 60
to act to incorporate Schooley's Mountain Manufacturing Company, 62
to act to incorporate New Jersey Railroad, &c., Company, 89
to act to incorporate Moorestown and Camden Turnpike Company, 114
to act to incorporate Belleville Mutual Insurance Company, 115
to act to incorporate Hillsborough Insurance Company, 116
to act to create the township of Hoboken, ib.
to act incorporating inhabitants of townships, &c., (authorizing chosen freeholders to be elected in each ward, in city of Paterson,) 119
to act to incorporate Jersey Little Falls Manufacturing Company, 120
to act concerning turnpike road from Hackensack to Hoboken, a further supplement, 137
to act for preservation of clams and oysters, 139
to act for instruction of blind, ib.
to act to incorporate Mullica Hill and Woodbury Turnpike Company, 156
to act to incorporate the Paterson and New York Plank Road Company, 160
to act to incorporate the Mount Holly and Vincentown Turnpike Company, 161

Supplements—to act to incorporate Zinc Mines Plank Road Company, (changing to Zinc Mines railroad,) 162
to act to incorporate Florence and Freehold Plank Road Company, 163
to act to incorporate Monmouth county Plank Road Company, 164
to act to incorporate the Sussex Iron Company, 165
to incorporate the Mullica Hill and Pole Tavern Turnpike Company, 174
to act to incorporate South Camden Ferry Company, 175
to act to incorporate Newark and Bloomfield Railroad Company, 176
to act to incorporate Provident Savings Institution at Jersey City, 178
to act to incorporate the Westfield and Camden Turnpike Company, 208
to act to incorporate the Mount Holly and Pemberton Turnpike Company, 210
to act to incorporate the Mount Holly and Moorestown Turnpike Company, 221
to act to incorporate the Belvidere and Water Gap Railroad Company, 239
to act to incorporate Freehold and Jamesburg Agricultural Company, ib.
to act relative to commissioners of deeds for other states, 240
to act to incorporate the Woodbury and Camden Turnpike Company, 241
to act for registry of mortgages, ib.
to act relative to prosecutors of pleas, 242
to act for preservation of deer, 243
to act to regulate the practice of law, ib.
to act to incorporate Jersey City, 255
to act to incorporate city of Newark, ib.
to act relative to the court of errors and appeals, 261
to act to incorporate the New Jersey Zinc and Copper Mining and Manufacturing Company, 279
to act authorizing partition of lands, 280

Supplements—to act concerning contracts of real estate made by testators and intestates, &c., 283
to act for incorporation of Mount Holly and Pemberton Railroad Company, 284
to act to regulate fees, 286
to act incorporating inhabitants of townships, &c., authorizing clerk to administer oath, 287
to act authorizing enclosure of certain woodland in Bergen county, 320
to act to prevent gaming, 326
to act concerning taxes, ib.
to act authorizing certain townships to vote by ballot—referring to Woolwich township, 332
to act for preservation of sheep (relating to the township of Frelinghuysen,) 362
to act to incorporate city of Paterson, 363
to act to incorporate the Newark Orphan Asylum, 365
to act respecting elections, &c., (sheriff to appoint appraisers in certain counties,) 366
to act concerning justices of the peace, &c., 367
to act for preseservation of sheep (extending provisions to several other townships,) 368
to act incorporating the Paterson Fire Association, 373
to act for settlement and relief of the poor, 374
to act erecting borough of Fieldsborough, 376
to act authorizing the business of banking, 377
to act incorporating the city of Newark, ib.
to act authorizing owners of lands to build wharves in front of the same, 394
to act to incorporate the New Jersey Magnetic Telegraph Company, ib.
to act to incorporate the Mullica Hill and Pittsgrove Turnpike Company, 395
to act relating to freights and transit duties, 396
to act incorporating the National Telegraph Company, 398
to act relative to commissioners for taking proof of deeds, (authorizing public ambassadors, &c., to take acknowledgments,) ib.
to act to prevent frauds by incorporated companies, 399

Supplements—to act for incorporation of rural cemetery associations, 399
to act incorporating the city of Camden, 400
to act regulating the practice of courts of law, 402
to act to incorporate the Jersey City Gas Light Company, 403
to act concerning wills, ib.
to act incorporating the city of Trenton, 404
to act to incorporate the Camden and Atlantic Railroad Company, 416
to act for incorporation of insurance companies, 426
to act to authorize the establishment, and to prescribe the duties of manufacturing companies, 427
to act respecting annual reports by railroad and canal companies, 445
to act for incorporation of plank road companies, 447
to act to incorporate Keyport and Middletown plank road, 472
Supreme and circuit courts—judges may appoint special terms, 285
Sussex Zinc and Copper Mining and Manufacturing Company—act to change name of, to Franklinite, 6
and Warren Railroad—supplement to act to incorporate, 20
Mine Railroad—supplement to act to incorporate, 53
Iron Company—further supplement to act to incorporate, 165

T.

Taxes—act to change time for collection of, in township of Elizabeth, 33
act to change time for collection of, in township of Bloomfield, 311
supplement to act concerning, 326
Telegraph Company—act to incorporate the Mount Holly, 247
supplement to act to incorporate the New Jersey Magnetic, 394
supplement to incorporate the National, 398
Telegraph companies—act to incorporate, 304
Tewksbury township—provisions of sheep law extended to, 368

Tom's River—trustees of Methodist Episcopal Church at, authorized to sell the same, 254
Townships—of Hope and Knowlton, in Warren county, and New Barbadoes, in Bergen county, authorized to vote by ballot, 49
further supplement to act incorporating inhabitants of, 119
clerks of, authorized to administer oath to election officers, 287
part of Newton set off to Green, in Sussex county, 52
of Union, in Hunterdon—act to create, 91
of Hoboken—further supplement to act to establish, 116
of Bernards—repeal of act requiring town meetings to vote by ballot, 134
act relative to working road districts in Ocean, Monmouth county, by contract, 429
of Harrison, in Hudson county, and Mendham, in Morris county, authorized to vote by ballot, 470
part of Washington annexed to Chester, 152
of Mantua, Gloucester county, act to establish, 153
part of West Windsor annexed to Princeton, 361
Transit duties and freights—supplement to act relating to, 396
Treasurer authorized to borrow money, 490
Trenton—supplement to act incorporating city of, 404
Turnpike roads—act to provide for safety of travel on, 39
Turnpike Company—act to incorporate Pleasantville and Atlantic, 22
supplement to act to incorporate Washington, 60
act to repeal part of charter of Paterson and Hamburg, 63
act to incorporate Woodbury and Cross Keys, 76
supplement to act to incorporate Moorestown and Camden, 114
act to incorporate Mullica Hill and Woodbury, 156
supplement to act to incorporate Mount Holly and Vincentown, 161
supplement to act to incorporate Mullica Hill and Pole Tavern, 174

Turnpike Company—act to incorporate Mount Holly and Jobstown, 199
supplement to act to incorporate Westfield and Camden, 208
supplement to act to incorporate Mount Holly and Pemberton, 210
Mount Holly and Moorestown, 221
further supplement to act to incorporate Woodbury and Camden, 241
Turnpike road from Hackensack to Hoboken—supplement to act concerning, 137

U.

Union township in Hunterdon—act to establish, 91
Presbyterian Church of Lambertville and Georgetown authorized to extend church edifice, 121
United States—act ceding jurisdiction over certain lands for erection of light houses, to the, 384

V.

Vincentown—act authorizing sale of Methodist Episcopal Church at, 159
and Mount Holly Turnpike Company, supplement to act to incorporate, 161
and Hainesport and Lumberton Turnpike Company, act to incorporate, 295

W.

Wallkill Manufacturing Company—act to incorporate, 156
Warren county—act relative to overseers of roads in Mansfield township, 209
Washington township, Bergen county—provisions of sheep law extended to, 368
Turnpike Company—supplement to act to incorporate, 60
township, Morris county—part of annexed to Chester, 152
Water works, to supply Jersey City—act to amend act for construction of, 3

Water Works Company at Bordentown—further supplement to act to incorporate, 7
Water Gap and Belvidere Railroad Company—supplement to act to incorporate, 239
Water Power Company at Scotch Plains—act to incorporate, 431
West Jersey Railroad Company—act to incorporate, 39
Westfield and Camden Turnpike Company—supplement to act to incorporate, 208
West Jersey Glass Manufacturing Company—act to incorporate, 222
West Windsor township—part of annexed to township of Princeton, 361
Wharves—supplement to act concerning, 394
White lake in Warren county—act relative to fishing in, 429
Will of Sarah Ann Hill—act to confirm, 135
Wills—further supplement to act concerning, 403
Woodbury and Cross Keys Turnpike Company—act to incorporate, 76
and Mullica Hill Turnpike Company—supplement to act to incorporate, 156
and Camden Turnpike Company—further supplement to act to incorporate, 241
and Red Bank Turnpike Company—authorized to extend road through Woodbury, 385
Woodland in Bergen county—supplement to act for enclosure of certain tract of, 320
Woolwich township, Gloucester county—repeal of act requiring town elections to be by ballot in, 332

Z.

Zinc and Copper Mining Company of Sussex—further supplement to act to incorporate, 6
Mines Plank Road Company—supplement to act to incorporate, 162
and Copper Mining, &c., supplement to act to incorporate the New Jersey, 279